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FORMS OF POLICING AND THE POLITICS OF LAW ENFORCEMENT:

A Critical Analysis of Policing in a Merseyside

Working Class Community

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August, 1985

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### Acknowledgement

Special thanks to Margaret McAleavy for  
typing the manuscript.

"... the nature of the people is variable, and whilst it is easy to persuade them, it is difficult to fix them in that persuasion. And thus it is necessary to take such measures that, when they believe no longer, it may be possible to make them believe by force."

Niccolo Machiavelli (1513)

"As soon as there is no longer any social class to be held in subjection, as soon as class rule, and the individual struggle for existence based upon the present anarchy in production, with the collisions and excesses arising from this struggle, are removed, nothing more remains to be held in subjection - nothing necessitating a special coercive force, a state."

Vladimir Ilyich Lenin (1917)

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# P r e f a c e

## FORMS OF POLICING AND THE POLITICS OF LAW ENFORCEMENT

This study examines the role and development of contemporary policing within the context of the social, political and economic conditions of late capitalism. The thesis is divided into three parts. Part I (FORMS OF POLICING THE WORKING CLASS) seeks to provide historical illustration and analysis of the development of the class role of the police under capitalism, its inherent para-militarism and some of the key events and processes which have determined its formal development. The analysis examines the development of preventive policing under early capitalism, and its transformation into reactive forms of policing under late capitalism.

Part 2 (POLICING KNOWSLEY) centres on a study of the contemporary events and processes underlying the development and impact of reactive forms of policing on Merseyside working class communities. It examines the factors which have played key roles in shaping police organisation and law enforcement policies at Force, Divisional and Sub-Divisional levels.

These factors, such as the development of corporate organisation, the centralisation and expansion of forces, the development of mobile patrols, deteriorating social

conditions, greater use of coercion, specialisation in operations and administration, the introduction of new communication and computer systems, and the reactionary ideologies underlying the law enforcement policies of senior police command, are given particular consideration in relation to their development and impact on the Knowsley Borough area of Merseyside.

Part 3 (THE POLITICS OF LAW ENFORCEMENT IN THE 1980's) examines the extent of the political autonomy of the police from central and local government. The analysis develops firstly a study on police power and privilege, centred on the inquest in Knowsley into the death of James Kelly at Huyton Police Station. This is then followed by analysis of the confrontations and conciliations between Merseyside Police Committee and the Chief Constable, arising out of 'K' Division incidents of 1979 and the anti-police riots of 1981.

Central to the politics of law enforcement in the 1980's has been the development of new reactive forms of policing the daily lives of working class communities, and the formation of a nationally centralised and politically autonomous para-military third force. Part 3 concludes by situating these developments within the wider social, political and economic conditions of late capitalism in Britain.

## INTRODUCTION:

### THE POLITICAL ECONOMY OF LATE CAPITALISM : AN OVERVIEW

#### 1. CORPORATE CAPITALISM

It is not my intention here to provide a comprehensive and detailed analysis of contemporary capitalism in Britain, but rather to present a brief overview of the theoretical context within which the research and analysis contained within the subsequent chapters of this work have been developed. In this respect I will attempt to describe some of the essential features and developments within contemporary capitalism in Britain which directly relate to the issues raised within this study, along with some of the key debates concerning the class structure and role of the state within the present period.

Since the late sixties and early seventies there have been numerous attempts to find suitable concepts with which to describe and analyse the political economy of the post-war period. Many writers have viewed the rise of corporate organisation and technology as signalling some fundamental change in the nature of capitalist society. For writers such as Galbraith,<sup>(1)</sup> the fundamental features of capitalism, as originally described by Marx and Engels, had been superceded in



the post-war period by a 'managerial revolution' which swept away the old class divisions between workers and capitalists. For these writers, the all powerful industrial capitalist had been replaced by professional experts and the 'great entrepreneur' by anonymous boards of directors. Scientific and technological developments, it was argued, had shifted the terrain of the modern political economy away from the anarchy of market forces and towards rationality and planning, with control now in the hands of professional managers with little or no shareholdings in the big corporations.

This apparent separation of ownership and control formed the basis of Galbraith's analysis of corporations, where real power, he argued, had shifted from the owners to the technostructure. (2)

The theorists of the managerial revolution argued that as the large companies now had large numbers of nominal owners, it had become impossible for so many share-holders to exercise control, and thereby they were forced to delegate this power to paid professional managers. As Galbraith argued:

"With growing size and complexity of operation, smaller or more passive owners tend to lose their power of decision. The number of stock-holders usually increases; the share in the voting power of each owner thus declines. More important is the failure of knowledge. Those who are not active in the management of the enterprise have less and less knowledge of what is happening...." (3)

Other proponents of a 'new industrial state' argued that corporations in the 1960s represented a transition

from 'managerial capitalism' brought about by increasing state intervention and regulation of the economy. This position, promoted by Pahl and Winkler, argued that corporatism was neither capitalism nor socialism, but "an economic system of private ownership and state control."<sup>(4)</sup>

All these positions shared the common assumption that capitalism had been transformed into something new; it was the beginnings of the new era of the 'soulful corporation',<sup>(5)</sup> and the welfare state, all affectionately embraced by the reassuring arms of the 'mixed economy'.

That significant and far reaching changes did take place within capitalism during the sixties and seventies is quite correct, but not so as to have fundamentally transformed the class relations of capitalism; as the course of events during the 1980s have shown, the 'new capitalism has retained the same priorities as the old one - profit maximization and private capital accumulation.

What did emerge during this period however were corporate managerial systems to control the giant multinational monopolies which experienced unprecedented growth in the post-war period, as a result of technological developments and lucrative profits in the armaments industries.<sup>(6)</sup>

It was not simply 'state intervention' which attempted to plan and regulate capital. Monopoly capital itself sought to expand its spheres of extended

reproduction to exert greater control over its expanding industrial empires and created extensive bureaucracies under the centralised power of its corporate directors.

As Miliband and others<sup>(7)</sup> later showed in their critiques of the 'managerial revolution' theorists, the capitalist class still maintains its cohesion and power as a class through the system of 'interlocking directorships.'<sup>(8)</sup> Moreover, corporatism has not fundamentally changed the structure of social relations between capital and labour, and, of equal importance, the mechanisms of social reproduction of the capital-labour relation have also, despite new developments in form, continued to play a crucial role in reproducing capitalism. In this respect, the state has increasingly become vital to the maintenance and regulation of the capitalist economy and indeed has now become the largest consumer of private industry in the post-war period. This expansion in the role and importance of the state to the capitalist economy has led some writers to argue that a fusion between state and private capital has taken place. This approach has been a hallmark of Stalinist accounts of the recent development of Western capitalism, and essentially reflects a basic lack of comprehension of the political economy of the capitalist state. Underlying this position is a false theoretical contradiction posed between the 'instrumentalism' and 'autonomy' of the state in the stage of monopoly capitalism and a failure to pinpoint the relation between the state and capital.

"State monopoly capitalism is imperialist capitalism in the epoch of its general crisis and collapse, when the fusion of the monopolies and the state has become necessary for the extended reproduction of monopoly capital and hence for the achievement of new monopoly surplus profits."(9)

This line of analysis by the Soviet writer Victor Cheprakov was criticised by Mandel in Late Capitalism as symptomatic of Stalinist ideology in its abandonment of Marxist dialectics:

"Cheprakov freely declares that every tendency produces its counter-tendency, but at the same time completely ignores the existence of any main direction of development (determined by the inner logic of the contradictions of the process in question). Thus while on the one hand Cheprakov sees state monopoly capitalism as the product of the inherent contradictions of the capitalist mode of production, on the other, he regards it as the reaction of monopoly capitalism to a 'new relationship of forces' (the international and domestic weakening of the bourgeoisie and the strengthening of anti-capitalist forces)."(10)

Thus the 'state monopoly capitalism' theory becomes a means for defending the Soviet line that the main social contradiction in the contemporary world is not that between capital and labour, but between the 'world camps' of 'capitalism and socialism'.(11)

The central weakness in this analysis lies in its methodological attempt to stitch together contradictory tendencies of the phenomenal appearances of the late capitalist state into a theoretical unity:

"Similarly, on the one hand [state] monopoly capitalism implies an organic fusion between the state apparatus and the monopolies, but it should not be denied, on the other hand, that this same apparatus possesses 'a certain degree of autonomy' and that there are 'contradictions' between it and groups of monopoly capitalists."(12)

Mandel's summary of Cheprakov's position illustrates this 'see-saw' approach to analysing the relation between the state and capital and can be found in the works of Poulantzas and Althusser, for whom the concept 'relative' autonomy resolved this contradiction.

This theoretical weakness of Poulantzas and Althusser with the (analytical) contradiction between 'relative autonomy' and 'determination in the last instance' arose from an attempt to re-construct Marxist theory in a form which could avoid the accusations of 'economic reductionism' which had been levelled at the distorted and vulgarised Marxism of Stalinism.

The flight from economic reductionism took the neo-Stalinists not into Marxist theory however, but into a form of structural functionalism more analytically characteristic of bourgeois sociology, despite the obvious political differences between the two schools. Much of this theoretical failure resided with the attempts of the Althussarian school to develop a concept of the 'relative autonomy' of the political form from the economic in capitalism, but one in which the 'economic' determines the 'political' in 'the last instance'. Thus what Poulantzas and friends attempted to do was to pose this contradictory problem of their own construction in a dualistic way, and presented this as a theoretical unity which resolved the problem of reductionism. As Clarke has argued:

"In following Althusser in basing his critique of dogmatist economism and evolutionism on the bourgeois conception of production, and in rejecting the 'problematic of the subject' for an 'objectivist' account, Poulantzas, no doubt quite unintentionally, also followed Althusser in reproducing the theory of society developed by structural functionalism, and above all by Talcott Parsons. In Althusser's work the Marxist elements are purely rhetorical."(3)

The failure of Poulantzas and Althusser to resolve their conceptual contradiction between 'relative autonomy' and 'determination in the last instance' created serious theoretical weaknesses in their analyses which could only lead to further contradictions and an excessively mechanistic style in their social theory. For example, in Political Power and Social Classes, Poulantzas attempted to clarify the meaning of 'determination in the last instance' whilst at the same time attempting to avoid a reductionist position:

".... the fact that the structure of the whole is determined in the last instance by the economic does not mean that the economic always holds the dominant role in the structure."(1)

This is like saying 'it does - and it doesn't'. It is a case of attempting to patch up a theory doomed at its premise. They argue that 'the economic determines in the last instance' and then argue that 'the last instance never comes':

"The phrase 'in the last instance' does not indicate that there will be some ultimate time or ever was some starting-point when the economic will be or was solely determinant, the other instances following it: "the last instance never comes"; the structure is always the co-presence of all its elements and their relations of dominance and subordination - it is an "ever-pre-given structure."(15)

The problem with their approach lies in their narrow conception of the 'economic'. The Althussarians failed to break with the Stalinist distortion of the Marxist economic conception of the social relations of production based upon a narrow concept of the economic as the 'technical realm' of material production. One consequence of this approach has been the Stalinist line that the productive forces are the primary motor-force of history.

One of the most concise and powerful critiques of Poulantzas to have emerged, was a paper entitled 'Marxism, Sociology and Poulantzas' Theory of the State' by Simon Clarke. This paper also made a major contribution in re-asserting the original and correct dialectical formulations of Marx and Engels on the capitalist political economy. Criticising the 'technicist' view of production, which originated with Stalin (via Plekhanov) and later plagued the theoretical works of Poulantzas and Althusser, Clarke re-establishes the concept of the totality of the relations of production as social relations:

"These errors derive from the conception of production on which dogmatism is based. It is because the 'forces and relations of production' are seen as technical relations of production and social relations of distribution that the relation between them is seen as a relation alternately of correspondence and dislocation, and not a relation of contradiction. Hence the Marxist theory of history, which is based on the contradiction inherent in production in all class societies of being production of use values and production of relations of domination (my emphasis) is turned into a metaphysical philosophy of history in which the dialectic is an external law of history which governs the development of modes of production in a fixed succession by governing the progressive development of the forces of production which underlies it. Correspondingly,

the separation of "forces and relations of production", and consequent abolition of the dialectical relation between the two, dictates that the primacy of production takes the form of an economistic, or a technicist, reductionism."(16)

"For Marx, relations of production are inherently social 'naturally arisen ..... historically developed' (Marx 1973 p.485) relations. The relations of production are not simply relations of the immediate labour process, but are the relations constituted by the valorisation process, relations of a total process of social production, whose development is governed by the law of value. The relations of production are not distinct from society, rather "the relations of production in their totality constitute what are called social relations, society, and specifically, a society at a definite stage of historical development". (Marx 1962a p.90). To take the relations of production as the starting point of analysis is not, therefore, to introduce a reductionism, for the relations of production are already social."(17)

It has been from this 'technicist position' described by Clarke, that Poulantzas and others have attempted to develop the theory of state monopoly capitalism as a technical fusion of the monopolies and the state, whilst arguing for 'a relative autonomy' of the political super-structures. When Poulantzas referred to the 'economic' he employed a narrow conception of economics as a technical relation. Changes in the productive forces do create changes in society, but these developments themselves can only occur within the context of change within social relations of production. It is not that the 'economic' - or the immediate process of production 'determines in the last instance' but that capital, as a social relation, determines the political form of the state in a given historical moment. This does not mean that the state is the personal possession of the capitalist class - a simple instrument of domination - nor can it be argued



that the state has a 'relative autonomy'. What it does mean is this: that the political form of the state arises from the character of the social relations of production. Under the conditions of modern capitalism, vast bureaucracies and new spheres of extended reproduction have been formed both within the realm of capitalist production and within the state. At the forefront of these developments have emerged the Corporate Directors of private capital and the state, the modern structural form of the ruling class.

At the other end of the class system, structural changes have also taken place in the form and composition of the working class and the petit bourgeoisie. What has not changed, as we shall see, is the basic political-economic derivation of the class system from the capital-labour relation, and its dynamic - the capital accumulation process.

## 2. CAPITAL AND LABOUR

This section will attempt to present the main features of the capital-labour relation and class formations of corporate capitalism. However, before we develop this analysis, a brief comment on bourgeois class theory will be necessary to illustrate its superficial and descriptive nature, as opposed to the analytical method of Marxist theory. Whereas the latter is based upon a dynamic and analytical concept of class relations, the former exists as a mechanical tabulation in which

arbitrarily selected indices can be inserted for categorising class positions. Bourgeois class theory, because it is empirically descriptive in its premises, fails to comprehend and explain the nature of class society, how it changes and why it changes. Multiple class structures are taken as given,<sup>(18)</sup> they are viewed as fixed, eternal and stratified.

By contrast, Marxist theory examines the processes by which classes are historically formed and socially reproduced. It shows how the class relations which compose the social structure express the social relations of production. The economic system is shown to be first and foremost a social process within the totality of the relations of production. In correct Marxist theory, the economic form is the dominant sphere within capitalist social relations. This does not mean that the 'economic' exclusively determines all the other spheres (political, ideological etc.) of capitalist society, as they are all inter-dependent social relations; it is simply the most dominant and pervasive. Contrary to Poulantzas' view as discussed earlier, (p.vii ) the economic sphere does hold the 'dominant role' in the social structure (except in social revolution). To see this otherwise as a process of 'determination' is reductionism. Marxist analysis is concerned with the relations of domination which determine the class system as a whole, where the economic is but one, albeit the dominant social relation of capitalist production and reproduction.

The starting point for most modern bourgeois economic theory is that of the market and its operations. This is because the commodity market is seen as a relation between 'things', i.e. money, oil, gold, shares etc., rather than as a social relation between people - specifically groups of people. Thus the distribution of revenues in bourgeois theory appears as natural relations arising from fixed eternal relations of things, i.e. the so-called 'factors of production', and thus reveal a subsequent failure to identify the capitalist system as a particular form (mode) of production....

" .... of a special kind, with specific historical features; that, like any other specific mode of production, it presupposes a given level of the social productive forces and their forms of development as its historical precondition: a precondition which is itself the historical result and product of a preceding process, and from which the new mode of production proceeds as its given basis; that the production relations corresponding to this specific, historically determined mode of production - relations which human beings enter into during the process of social life, in the creation of their social life - possess a specific, historical and transitory character; and, finally, that the distribution relations essentially coincident with these production relations are their opposite side, so that both share the same historically transitory character. "(19)

It is only from this position that we can understand the nature of the phenomenal character of revenues, such as income, which has been widely used as an indice of class location:

"In the study of distribution relations, the initial point of departure is the alleged fact that the annual product is apportioned among wages, profit and rent. But if so expressed, it is a mis-statement. The product is apportioned on one side to capital, on the

other to revenue. One of these revenues, wages, never itself assumes the form of revenue, revenue of the labourer, until after it has first confronted this labourer in the form of capital."(20)

It is from this process that the class relations of capitalism emerge:

"The confrontation of produced conditions of labour and of the products of labour generally, as capital, with the direct producers implies from the outset a definite social character of the material conditions of labour in relation to the labourers, and thereby a definite relationship into which they enter with the owners of the means of production and among themselves during production itself."(21)

Capitalist production holds two distinctive features; it produces its products as commodities, to the extent that being commodities is the dominant and determining characteristic of its products. Produced by labour, the commodity becomes a product of capital<sup>(22)</sup> - and labour power a commodity. It is because the commodity possesses a value as a product of labour, that, "the second distinctive feature of capitalist production is the production of surplus-value as the direct aim and determining motive of production. Capital produces essentially capital, and does so only to the extent that it produces surplus value."<sup>(23)</sup>

It is only because labour takes the form of wage labour, and the means of production the form of capital, that a part of the value of products become realised as surplus value when exchanged as commodities in the capitalist market, and thus are capitalist revenues of rent and profit derived. However a certain portion of surplus value becomes transformed as additional means of production,

" .... which are intended for the expansion of reproduction, and which constitute a part of this profit, present themselves as new additional capital, and the expansion of the process of reproduction in general as a process of capitalist accumulation."(24)

Although wage-labour is decisive for capitalist production, it does not determine value:

" .... it is a question of social labour-time in general, the quantity of labour which society generally has at its disposal, and whose relative absorption by the various products determines, as it were, their respective social importance. The definite form in which the social labour-time prevails as decisive in the determination of the value of commodities is of course connected with the form of labour as wage-labour and with the corresponding form of the means of production as capital, in so far as solely on this basis does commodity-production become the general form of production."(25)

Moreover, it is important to realise that not all wage-labour is directly productive of surplus value. From this point it becomes necessary to clarify the meaning and definition of productive and unproductive labour, as it applied in Marx's analysis and as it applies today.

The basic foundation of the Marxist conception of productive labour, is that labour which directly produces surplus value. Under capitalism, productive labour assumes the specific form of wage-labour determined by the development of capitalist commodity production as the dominant mode of production. It is from this position that consideration must be given to the question - for whom is this production 'productive'? And in considering the 'costs of circulation', for whom are these unproductive? The solution to these questions lies in the recognition of

the 'standpoints' of social classes to the means of production and reproduction. Marx argued that the 'costs of circulation' (e.g. buying and selling, book-keeping) were, from the standpoint of society as a whole unproductive, i.e. that these costs are specific to the capitalist form of production - the costs of reproducing capitalist markets, which would be transformed under socialist production. However, Marx further emphasised that from the standpoint of individual capitalists, these 'costs' could become productive of value and thus surplus-value. This is a very important point and underlines the key to understanding the dynamics of capital accumulation, i.e. that surplus-value is realised, not at the point of production, but in the exchange of commodities:

" .... all labour which adds value can also add surplus value, and will always add surplus-value under capitalist production, as the value created by labour depends on the amount of labour itself, whereas the surplus-value created by it depends on the extent to which the capitalist pays for it. Consequently costs which enhance the price of a commodity without adding to its use-value, which therefore are to be classed as unproductive expenses so far as society is concerned, may be a source of enrichment to the individual capitalist." (26)

In other words, the 'unproductive costs' of labour involved in circulation may, under certain conditions, increase exchange value for specific sectors of capital. However, from the 'standpoint of society' - the 'aggregate social capital' - these costs of circulation 'do not cease to be unproductive in character'. (27)

In critically applying this analysis to late capitalism, it must be remembered that these were essentially

Marx's observations of 19th Century capitalism and so were subsequently formed within the general character of social production at that time. And with this in mind it is clear that in Marx's day many of the 'costs of circulation' and the sphere of extended reproduction in general were, from the standpoint of the working class, unproductive of value. It was only when the demands for social reform, welfare and education provision were conceded by the ruling class, that some of these costs assumed more of a collective aggregate use-value for the working class. (28)

Through greater and greater division of labour and mass production, the commodity has become more and more a social product. Circulation has become increasingly capitalised and socialised as an extended reproductive form of capital. Thus capital in the sphere of circulation under late capitalism assumes a specific significance as a form of reproductive capital.

The social relations of capital have now expanded far beyond the immediate confines of commodity production. Circulation has always been integral to capital and the reproduction of the capital relation. However the scale of capitalisation of circulation in the twentieth century has meant that within this circuit (the 'noisy sphere of circulation' has become ear-shattering) the social relations of capital take specific forms distinct from those of productive capital and labour forms more complex than simple 'unproductive' wage-labour. Social relations within reproduction have been capitalised in a form

unprecedented in the history of capitalism. 'Costs' have effectively been transformed into capital for the purposes of continued capital accumulation. However, despite the vast expansion of both private and state reproductive capital, the immediate sphere of production still remains as the 'decisive phase'<sup>(29)</sup> in the general relations of production to distribution, circulation and exchange.

This does not mean, however, that the struggles of state workers do not express the contradictions of the capital-labour relation, as they remain integral to that relation. A strike by rail workers can prove just as disruptive to production and circulation as strikes by private sector transport workers. In both cases labour confronts capital in political struggle and thereby the material interests of productive and reproductive workers remain identical.

Under late capitalism, reproductive labour has a much greater significance than in the days of laissez-faire capitalism.<sup>(30)</sup> Thus in the early days of capitalism, commodity production and productive labour overwhelmingly and substantially formed the basis of wage-labour. The reproductive forces of capital and the state remained largely peripheral and only expanded gradually as obstacles in the path of accumulation became more numerous with each wave of expansion.<sup>(31)</sup>

Thus the growth in importance of reproduction relates closely to general developments within commodity production



and circulation, class relations and the productive forces. The rise of mass commodity production has entailed a corresponding expansion of capitalist bureaucracies to handle the complexities of both mass commodity production based upon increased specialisation and division of labour (e.g. the parts that make up many commodities now are manufactured all over the world) and volatile, contracting markets. The rapid expansion of automation and mechanisation released a large proportion of wage-labour from the immediate process of production for recruitment into these expanding bureaucracies of capital and the state.

In Volume II of Capital, Marx considers in his analysis of circulation the role of 'book-keeping' as a wage-labour cost of circulation and predicted its expansion with commodity production. Book-keeping is a

" .... part of capital which is withdrawn from the process of production and belongs in the costs of circulation."(32)

However, Marx identified a crucial difference between

" .... the costs incidental to book-keeping, or the unproductive expenditure of labour (my emphasis) time on the one hand and those of 'mere' buying and selling time on the other. The latter arises only from the definite social form of the process of production of commodities. Book-keeping, as the control and ideal synthesis of this process becomes the more necessary the more the process assumes a social scale (my emphasis) (i.e. ever-greater and wider division of labour) and loses (just as the traditional craftsmen had) its purely individual character."(33)

'Accountancy' is now Big Business itself. The modern day bureaucracies have become a necessary part of

the reproduction of capitalist social relations. Indeed Marx noted that it was the character of commodity production which distinguished this 'cost' from previous productive forms; its significance became greater as capitalism developed:

"It is therefore more necessary in capitalist production than in the scattered production of handicraft and peasant economy, more necessary in collective (i.e. socialist) production than in capitalist production. (34)

Our analysis is here concerned with the regulation and reproduction of commodity production within the capitalist market, i.e. those spheres of reproduction that assume their own specific social relations within capital and which become more and more expanded as society progresses through ever greater concentration of production and development of the productive forces. In the stage of late capitalism the reproductive forces almost equal the productive forces in volume and size as the modern sphere of circulation has expanded far beyond the quill pen of the book-keeper. This is the age of the hi-tech computerised accountancy agencies, which serve as a clear example of capitalised reproduction under late capitalism.

Since the Second World War the rapid increase in the forces of production of late capitalism witnessed the 'unprecedented fusion of science, technology and production. (35)

For Mandel, the essential feature of late capitalism which distinguishes it from the previous stages of capitalism has been the permeation of industrialisation beyond the immediate sphere of commodity production:

"Far from representing a 'post-industrial society', late capitalism thus constitutes generalized, universal industrialization for the first time in history. Mechanization, standardization, over-specialization and parcelization of labour, which in the past determined only the realm of commodity production in actual industry, now penetrate into all sectors of social life."(36)

Thus late capitalism is distinguished by the industrialization of the sphere of reproduction. Just as increased specialization and division of labour has made redundant the 'all-round electrician' in production, so too, as will be shown later, in the sphere of reproduction has the impact of these factors increasingly made redundant the all-round police constable and the fragmentation of the preventive form of policing. These developments, coupled with the changes in the capital relation, as illustrated by the emergence of centralised corporate organization, formed the basis for the capitalization of the sphere of reproduction:

"As long as 'capital' was relatively scarce, it normally concentrated on the direct production of surplus-value in the traditional domains of commodity production. But if capital is gradually accumulated in increasingly abundant quantities, and a substantial part of social capital no longer achieves valorization at all, the new mass of capital will penetrate more and more into areas which are non-productive in the sense that they do not create surplus value."(37)

As capital has expanded the sphere of circulation, and more generally the sphere of reproduction, then the character of this capital has become increasingly significant. Late capitalism has been characterized by the unprecedented expansion of reproductive capital.(38)

For Mandel, these movements have signified a shift in the

'activity of capital':

"In the age of freely competitive capitalism, this emphasis lay principally in the immediate sphere of production, and in the age of classical imperialism in the sphere of accumulation (the dominance of finance capital); today, in the age of late capitalism, it lies in the sphere of reproduction." (39)

The movement of surplus capital from the saturated sphere of commodity production (over-production) towards the sphere of reproduction has significantly affected the relationship between capital and the state and the composition of social classes. (40)

For the state, this has meant a restructuring and expansion of its reproductive forces, and as will be shown later, the restructuring and expansion of the police force to manage the crisis conditions of late capitalism, and the subsequent transformation of its preventive forms, has been a major feature of this process.

Reproductive capital is capital in the sphere of reproduction. As well as including the immediate process of production capital also embraces circulation. It is from circulation that exchange takes place - the process in which products are realised as commodities, are consumed and thereby complete the circuit of productive capital through the realisation of surplus value.

Within this circuit, the social relations of capital take specific forms distinct from productive capital. These relations within the sphere of circulation, and more generally that of the sphere of reproduction, are reproductive of the relations of production. They

reproduce the social forms and conditions essential to the maintenance of the market system for capital accumulation. The reproductive forms of capital now span the whole spectrum of the capitalist political economy, assuming forms today even more significant than that which Marx identified in the late 19th Century. (41)

We have so far only examined productive and reproductive labour under late capitalism. There remains however a third category to be discussed, that of surplus labour. (42) This concept is drawn from the original concept of the relative surplus population, a concept used by Marx to describe the unemployed sectors of the working class. Marx identified three basic forms of surplus labour or population, these being the floating, the latent and the stagnant. (43)

Floating surplus labour refers to the armies of casual labourers who regularly move in and out of employment, depending on the movements of capital. The latent surplus (or reserve army) labour refers to the potential recruitment of new labour from non-industrial spheres (such as agricultural labourers). The third form - stagnant surplus labour - refers to the residual, expanding army of permanent and long-term unemployed recruited from the 'decaying branches of industry', its lowest 'sediment', containing the pauperized working class. (44)

Byrne and Parson make the crucial point in applying these concepts to contemporary capitalism that, concerning

the surplus population, there is 'nothing new about this group'.<sup>(45)</sup> In the 19th Century they were described as the 'dangerous classes' by the bourgeoisie.

As with productive and reproductive labour, surplus labour is a further division of labour determined by its relationship to the means of production. Marx described its role within the relations of production:

"The mass of social wealth, overflowing with the advance of accumulation and capable of being transformed into additional capital, thrusts itself into old branches of production, whose market suddenly expands, or into newly formed branches, such as railways etc., which now become necessary as a result of the further development of the old branches. In all such cases, there must exist the possibility of suddenly throwing great masses of men into the decisive areas without doing any damage to the scale of production in other spheres. The surplus population supplies these masses."<sup>(46)</sup>

The massive expansion of surplus labour in recent years has highlighted the crisis conditions of late capitalism. The major significant aspect of this growth has been the increase in the size of permanent surplus labour. This has been crucial to the political economy of late capitalism, given that capital accumulation requires ever greater reserves of surplus labour.<sup>(47)</sup> The problem is, that whilst the late capitalist state has continually created this surplus through monetary policy and adjusted its focus to contain and reproduce this surplus labour, the absorption of the surplus has diminished leaving ever enlarging ghettos of permanent surplus labour.<sup>(48)</sup>

The post-war boom which swelled the ranks of productive and reproductive labour had, by the end of the 1960s,

fizzled out. By the late 1970s significant sections of the working class were left de-skilled, over-skilled and over-educated for the shrinking labour market. This downward squeeze in the ranks of labour, coupled with the onslaught of regional industrial decline, has swelled the numbers of the permanent surplus labour force.

Writing in the late 1970s Mandel identified the socio-economic character of these new recruits to the industrial reserve army:

"In order to reconstruct the industrial reserve army of labour during the long post-war expansion, capital had incorporated a great number of married women, youth and immigrant workers from less industrialized countries into the mass of actual or potential wage earners. These categories were in general poorly paid, restricted to unskilled and/or unhealthy spheres of activity, and employed only marginally. They were thus vulnerable to easy and massive expulsion from the process of production as soon as a fundamental reversal of the industrial cycle occurred. It is therefore not at all astonishing that such an expulsion did indeed take place on a grand scale during the 1974-75 recession. The unemployment rate is consequently much higher among these three sectors of the proletariat than among male, adult, indigenous white and blue-collar workers!"(49)

This latter point is, however, less applicable to the social conditions of the mid-late 1980s, given the regional contraction of manufacturing industry inflating the scale of redundancies.

We have so far examined the structural economic relationships of productive, reproductive and surplus labour to the means of production and reproduction under late capitalism. However, as we shall see, the process of class formation is more complex than that of a simple

outcome of the division of labour or the distribution of revenues.

### 3. CLASS FORMATION

In his work on class determination, Poulantzas played a key role in re-establishing the correct Marxist approach to this central issue and establishing the critique of those Marxists who had come to confuse distribution relations and production relations resulting in class analyses based upon revenue distribution. As Poulantzas argued: 'Marx's criterion is the objective place in production and the ownership of the means of production'.<sup>(50)</sup> Marx himself specifically took up this distinction in method in the final pages of Capital Vol.III:

"Let us moreover consider the so-called distribution relations themselves. The wage pre-supposes wage-labour and profit-capital. These definite forms of distinction thus pre-suppose definite social characteristics of production conditions, and definite social relations of production agents. The specific distribution relations are thus merely the expression of the specific historical production relations."<sup>(51)</sup>

Thus social classes are primarily determined not by income distribution as such, or other notions such as status or ideology, but by their relationship to the means of production. However, in attempting to apply this basic tenet of Marxist theory, Poulantzas failed to grasp the social character of capitalist production and thereby, in his analysis of class determination, made a sharp descent into economic reductionism.



For Poulantzas, the working class were principally determined by their relation to the immediate process of production - the creation of surplus value at the point of production. For Poulantzas the working class was restricted to productive labourers and therefore the distinction between productive and 'non-productive' labour was essential in determining the boundary of the working class. Those engaged in 'non-productive' work were deemed to be the 'new petty bourgeoisie'.

In his critique of the bourgeois classical economists, Marx argued against the tendency to see production relations as fixed and external. Marx makes the following point, which could well be critically applied to Poulantzas' confusion of 'social production with the simple labour process':

"The so-called distribution relations, then, correspond to and arise from historically determined specific social forms of the process of production and mutual relations entered into by men in the reproduction (my emphasis) process of human life. The historical character of these distribution relations is the historical character of production relations, of which they express merely one aspect ....  
 .... The view which regards only distribution relations as historical, but not productive relations, is, on the one hand, solely the view of initial, but still handicapped, criticism of bourgeois economy. On the other hand, it rests on the confusion and identification of the process of social production with the labour process, such as might be performed by an abnormally isolated human being without any social assistance." (52)  
 (my emphasis)

Poulantzas also lost sight of production as a social process and in this quotation from Marx we are provided with an important key to understanding class determina-

tion under capitalism, particularly as under the social conditions of late capitalism it becomes increasingly clear that classes are determined by their relationship to both the means of production and reproduction. It is from this approach that we can begin to discern the 'boundaries' of class determination.

For Marx, capitalist production was a social process of both production and reproduction. Capitalism "produces not merely the material products, but reproduces continually the production relations in which the former are produced, and thereby also the corresponding distribution relations."<sup>(53)</sup> It is this crucial point which has to be understood before class determination can be considered.

At first glance, it appears that the distribution of revenues - wages, rent and profits - forms the basis of class formation under capitalism. However as we have shown, distribution is merely the outcome of the relations of capitalist production - the source of revenues. The reason why revenue is mistakenly seen as constituting class is the same as the reason why "... surplus value contained in commodities seems not merely to be realised in the circulation, but actually to arise from it."<sup>(54)</sup>

Capital circulation is essentially "a metamorphosis of forms."<sup>(55)</sup> In each of these forms the capital-wage-labour relation assumes specific forms, either productive or reproductive of surplus value. But this relation alone does not, exclusively in itself, determine the class

formations of capitalist society. Classes are formed by more than just <sup>the</sup> relationship of individuals to the means of production. They are groups of people formed in capitalist production and reproduction with common and opposing interests that have arisen in their relation to the means of production. Class formation is therefore a question of ownership and control of the means of production and reproduction. The clash of opposing interests arising from the contradictions of ownership and control form the political struggles of classes.

Thus, it can be seen that what binds the capitalists (be they "owners of vineyards, fisheries etc.") together as a class, is their common material interests in production and reproduction - interests derived from their ownership and control of the means of production, making them the most powerful force within the ruling class.

Economic relations alone are an insufficient determinant of class constitution. We have examined the contradictions of productive and unproductive labour as a determinant, and the contradictions of revenue (or 'income') as a determinant. These relations do have a considerable role in the determination of classes. - but not in isolation of the political. This is because the contradictions in the material interests of wage-labour and capital are simultaneously economic and political. It is these contradictions which form the boundaries distinguishing the working class, middle class and ruling class:

"The separate individuals form a class only insofar as they have to carry on a common battle against another class; otherwise they are on hostile terms with each other as competitors. On the other hand, the class in its turn achieves an independent existence over against the individuals, so that the latter find their conditions of existence predestined, and hence have their position in life and their personal development assigned to them by their class, become subsumed under it." (56)

Class location is therefore a question of political economy, i.e. their relationship to the means of production and reproduction, and the material interests generated by those relations.

It follows from this that for membership of the Ruling Class the 'economic', although the most powerful determinant, is not an exclusive determinant, as membership may be based on political power, indirectly founded on the capital relation, in the control of the means of production and/or reproduction. Furthermore, this power is continually maintained (i.e. their material interests) by the constant pressure to maintain and reproduce capitalist production. Thus the political rule (and modest incomes) of judges, generals and chief constables can only be maintained through the continued political and economic subordination of the working class to capital. The material interests of these agents (judges etc.) coincide with those of the capitalists. These agents of the state represent the political personification of capital (as forces of reproduction) within the class struggle. Thus membership of the ruling class is determined not exclusively by individual accumulated wealth, but also by political power

and control over the means of production and reproduction. Wealth in this respect pre-supposes social relations of political power; it is a form of political power. The fact that the most powerful (the capitalist class) are the wealthiest, does not mean that the ruling class is exclusively comprised of millionaires, although numerically most of them are.

The process of class formation is one in which the opposition of material interests at the specific level of the economy form an integral part of a wider political struggle. Marx made this point clear in his correspondence with F. Botte, a leader of the American Labour Movement:

"On the other hand, however, every movement in which the working class comes out as a class against the ruling classes and tries to coerce them by pressure from without is a political movement. For instance, the attempt in a particular factory or even in a particular trade to force a shorter working day out of individual capitalists by strikes etc., is a purely economic movement. On the other hand the movement to force through an eight-hour, etc., law, is a political movement, that is to say, a movement of the class, with the object of enforcing its interests in a general form, in a form possessing general, socially coercive force."(57)

It is in this context that class formation is determined by both the economic and political relations of capital. Classes therefore express the structure of the social relations of capitalism, so that society is broadly divided into a numerically large group of wage-labour, which does not own or control the means of production and reproduction, and a numerically small group of owners and controllers of the means of production and reproduction, who form the ruling class.

The essential condition for the existence of the ruling class is the formation and augmentation of capital; the condition for capital is wage-labour. Wage-labour rests exclusively on competition between the labourers. (58) Hence the material interests of the ruling class lie in the continued promotion of competition and conflict within the working class. Racism, nationalism and sexism have, in this respect, been the most insidious devices of capital for dividing the working class in both economic and political spheres. For capital, control of the means of production and reproduction means control of the working class, not just their work, but in the whole of their daily lives. Corporatism has developed the means of control of labour and the commodities it produces into vast bureaucracies which free the ruling class from the minor detail of production and reproduction. At the lower end of the corporate bureaucracies of capital and the state stand the reproductive wage-labourers of the working class. It is here that we find the clerks, office cleaners, typists, VDU operators, security personnel etc. At the upper end of the corporate bureaucracies sit the petty bourgeoisie, the intermediary class between the working class and the ruling class - the middle class. Whilst this class receive revenue in the form of wages, they perform neither productive nor reproductive labour - their role is the management of wage-labour. Hence the most important fact which separates the middle class from the working class is that their role is primarily a capitalist one; the devising of new forms of work, of control and of surveillance. (59)

Their location within the relations of production and reproduction is quite clear. As Carchedi argued:

"These agents, then, do not own the means of production and yet perform the global function of capital; they perform collectively, in a hierarchical structure, and in new forms, what used to be the function of the individual capitalist."(60)

This process is most clearly seen in the modern capitalist corporation where, as discussed earlier, teams of managerial functionaries regulate and control production on behalf of the corporate bourgeoisie, for whom corporatism has created new heights of wealth and power. Similar processes have also been at work within the reproductive forces of the state. Just as the productive labour of private capital is shadowed by the reproductive labour of the state, so the middle class of labour management in private companies have their counterparts in the state. At the helm of both sectors stand the ruling class - who's membership is not exclusively determined by individual accumulated wealth<sup>(61)</sup> but also by the political power (corporate power) which accrues from their relation to the capital accumulation process as a whole.

#### 4. STATE FORMATION AND THE CLASS STRUGGLE

The State is also not determined exclusively by the 'economic' as such, because, as has been previously argued, the capital-labour relation is, in its totality, a social relation, of which the 'economic' comprises the immediate dynamic of the capital accumulation process. The inherent, endemic contradiction between capital and

labour, generated by the capital accumulation process, becomes manifest as political struggle - the power struggle between the contending classes; the class struggle. (62)

It follows therefore, from this analysis, that the form of state is determined by the stage of development of the capital accumulation process and the character of the political struggle between social classes at a given historical moment. In this respect, the state must be understood as a particular class form of the capital relation, i.e. of an historically specific form of class domination. (63) As Holloway and Picciotto have argued:

".... the forms of state are re-established, supplemented or reformed as part of the process of containment of the new contradictions created by the new stage of development of capital, to re-create or re-compose the capital relation in new forms." (64)

In this analysis there is no room for contradictory and diversionary concepts such as relative autonomy. To say the capitalist state is relatively autonomous from capital is like saying it can be relatively autonomous from itself. The state is the political form of the capital-labour relation; a class relation in which capital is the dominant, controlling, political power. In this respect, the political form of the capitalist state is determined by the relative balance of political forces of the contending classes at particular phases of the class struggle. It is these dynamics that determine the form of state which mediates the class struggle and reproduces the social conditions necessary for capital accumulation.



Thus the form of state is determined, not by ambiguous notions of determination by the economy 'in the last instance', but by the political economy of the capital accumulation process as a whole.

There is, however, the question of regimes. A regime must not be confused with the state-form. Regimes may come and go whilst a state-form may maintain its essential characteristics over long periods of history. For example, the post-war British liberal regime and the later reactionary monetarist regime in Britain both span a period dominated by the state-form of bourgeois democracy. Monetarism and its development within late capitalism has however provided strong indications of movement towards a transformation of state-form. In different periods of history, transformations of state-form have also occurred simultaneously with changes in regime. Fascist and military coups are perhaps the most clear examples of this. It is when changes in regime and state-form coincide directly that reaction becomes rampant, unleashing in its wake a reign of terror against the working class. These transformations are the crisis points in the political and economic oscillations of the capital accumulation process, and represent the more pathological aspects of the state's role in guaranteeing the maintenance and reproduction of accumulation at any cost.

To control class struggle and reproduce bourgeois power, the state has to maintain and reproduce conditions for capital accumulation. As the crisis of late capitalism increasingly shows, no matter what form the state assumes,

it is proving historically less and less able to perform this role effectively, despite the unprecedented expansion of the forces of the state in the post-war period.

The state of late capitalism began with the rise of fascism and the Second World War, which generated a significant increase in the rate of surplus value.<sup>(65)</sup> Although during the recent period growth in the organic composition of capital has been significantly slower (i.e. through reduction in the costs of elements of constant capital via increased mass production)<sup>(66)</sup> it does not mean, as Wright has argued, that "the pivotal contradictions of the accumulation process have shifted from the rising organic composition of capital to an incipient politicization of the accumulation process through state intervention at the level of production."<sup>(67)</sup> Rather, the contradictions of accumulation have broadened through state intervention. This has not necessarily meant a 'politicizing' of the accumulation process, as if somehow accumulation has been exclusively an economic process and divorced from politics. However, it has meant, as Wright indicates, a significant expansion of state involvement in the accumulation process:

".... political criteria will become more and more central to production itself."<sup>(68)</sup>

although it may be more accurate to say that it is becoming more apparent, i.e. a shift to the foreground of political economy as the state moves to desperately hold together a fragmenting and decaying capitalism.

This process is quite clear in the rise of monetarism,

which displays even more 'state intervention' in the economy than Keynesianism did. Privatisation, for example, despite its archaic and simplistic free market laissez-faire rhetoric (a reactionary irrationality to evoke emotional sympathy rather than reason - similar to 'national socialism') seeks to obscure the expansion of the political role of the state in the sphere of reproduction, i.e. expansion of the forces of the state - especially the coercive forces. Let us make no mistake about it - this is the era of 'high tech', contradicted by shrinking outlets for investment, and nervous markets. The state has become more and more vital to capital both simultaneously as a sphere of capital investment, as a consumer of capitalist commodities and as an investor in private capital.<sup>(69)</sup>

This is the other side of the dialectic of state and capital which Wright neglects in concentrating exclusively on 'state intervention'. It is true, as Wright states, that the state plays 'an important role in indirectly expanding surplus value and accumulation' and that 'many state expenditures have the effect of reducing the reproduction costs of labour power'.<sup>(70)</sup> But there is also the expansion of capital accumulation by the state itself as part of the general expansion of the spheres of extended reproduction.<sup>(71)</sup>

It is because Wright misses this process - the economic, political and ideological impact on the state of the permeation of its form by the capital accumulation process, that he sees state workers as unproductive

workers and gives guarded support to the out-moded argument that 'state workers live off the exploitation of productive workers'.<sup>(72)</sup> Even though Wright recognises that, "expanded reproduction constitutes the situation in which at least part of the surplus value is used to augment the level of constant and variable capital in production", and that "expanded reproduction (consists) of the accumulation of both constant capital and variable capital"<sup>(73)</sup> he remains within 'unproductive' terms of reference. The crucial point is that such labour in the sphere of reproduction under corporate capitalism is more than simply 'unproductive' of surplus value; it is reproductive - reproductive labour. It is now not just a simple 'deduction'<sup>(74)</sup> from surplus value, but of vital economic necessity to the realisation of surplus value, even though it is not immediately located at the point of commodity production. Thus in the same vein, Wright sees the state as simply unproductive<sup>(75)</sup> but agrees with O'Connor<sup>(76)</sup> that the state plays an important role in indirectly (his emphasis) expanding surplus value and accumulation. Many state expenditures have the effect of reducing the reproduction costs of labour power .... (and) .... have the effect of increasing the level of productivity of capital as a whole....<sup>(77)</sup> How then can the 'unproductive' labour of state workers be a simple deduction from surplus value? The problem lies with the unsatisfactory application of the concepts of 'unproductive labour' and 'unproductive capital'<sup>(78)</sup> to the social relations of corporate capitalism.

The concepts of productive and unproductive labour originated not with Marx, but in classical political economy (see Marx's Theories of Surplus Value Vol.I for his critique of Adam Smith's use of these concepts). These concepts were used to describe the character and forms of labour under nascent capitalism.

Today, in the age of hi-tech, capital intensive mass production and communication systems, the production of commodities and the realisation of surplus value, has necessitated the development of the state itself as a sphere of extended reproduction to contend with the various exigencies of crisis within the capitalist market system. The concepts of 'unproductive labour' and 'unproductive capital' prove inadequate for understanding the process by which the immediate process of capital production has become totally dependent on spheres of reproduction which are not directly operative in the circuit of productive capital. These spheres can be more accurately conceptualised as 'reproductive labour' and 'reproductive capital'.

We have seen that the political economy of late capitalism is essentially that of corporate capitalism. The term 'late capitalism' must, as Mandel reminds us, be used with caution, as this is a chronological term, rather than analytical. It must be stressed that 'late capitalism' is 'not a new epoch of capitalist development. It is merely a further development of the imperialist, monopoly-capitalist epoch' <sup>(79)</sup> - i.e. the corporate phase of monopoly capitalism.

Corporate capitalism, whilst pushed into the future by the social development of the productive and reproductive forces, is also simultaneously being dragged into the past, geneologically uprooting its ancestors and their ideologies in a desperate attempt to reincarnate the morality and ethics of the mystical days of competitive capitalism. Thus we have ....

"The peculiar combination of market anarchy and state interventionism is thus faithfully reflected in the practices of late capitalist corporations: they both seek to keep their own taxes as low as possible, and expect the state to supply higher contracts, subsidies and guaranteed profits, which presuppose a rapid growth in state revenues. This ambivalent relationship to the state permeates the whole of late capitalist society. It reproduces forms of conduct, thought and morality typical of a pre- or early capitalist society, to bolster the valorization of capital in an over-ripe society of commodity production."(80)

These developments have characterized the whole reactionary ethos of the Thatcher regime in the 1980s. The eclipse of liberal democracy in the late seventies became systemized and codified in the reactionary politics of the following decade. Liberal social democracy, which attempted to both serve capital and represent the working class<sup>(81)</sup> saw its hegemonic forms fragment and later shatter on the indissoluble rock of class contradictions, sharpened by the crisis of capital accumulation. The road to mass unemployment, the expansion of permanent surplus labour and privatisation of state productive and reproductive capital became the path of salvation for capital accumulation. Here the Thatcher leadership (guided by the prophets of God) propelled itself on petty bourgeois chauvinism to political power by

"attempting to represent capital (anachronistically, but no less effectively) in the 'venerable disguise and borrowed language', the 'names, slogans and costumes' of a disappearing class faction - the small shopkeeper!"  
(82)

Monetarist policies have not had as their objective the material interests of the petty bourgeoisie, despite the endless and boring platitudes concerning the needs of the small businessman. The "wheels of socialism" have been "rolled back" on these as well as the working class. The crafty equation of a floundering liberal democracy with 'socialism', legitimated the coercive reaction against the organisations of the working class which had purportedly bolstered up 'extravagance' and 'waste' to the detriment of the 'rate-payer' and 'tax payer'.

"The main objective of bourgeois economic policy is no longer to dismantle social antagonisms but to unload the costs of improving the competitive struggle of each national capitalist industry onto the wage earners employed in it. The myth of permanent full employment fades away. What political integration and seduction have failed to achieve is now to be accomplished by the reconstruction of the industrial reserve army, and the cancellation of the democratic freedoms of the workers' movement (among other things, state repression of strikes and the right to strike)."(83)

These movements, however, represent more than a change of regime, although they do reflect the common political characteristic of all capitalist states; that of "disorganising the working class whilst simultaneously organising the bourgeoisie."(84) What is crucial is that these movements represent a shift in the form of the capitalist state in Britain towards a new formation.

Given the movement of state-form, it would however be wrong to assume that the working class (and its organisations) has sat back and allowed itself to be dismantled without resistance. Indeed the 1980s have been marked by a whole series of struggles by different sections of the working class to defend its interests against state repression. The restructuring of the reproductive forces of the state has, over this period, meant a steady shift in state capital and resources from welfare to coercion, to police the struggles of the working class. These movements in state form have, in this respect, become manifest in the changing forms of policing and law enforcement policy in Britain. These have now become central issues of controversy and debate. This study will demonstrate the class politics at the heart of these issues.



PART I

FORMS OF POLICING THE WORKING CLASS

I) CLASS STRUGGLE AND THE ROLE OF THE POLICE

All class societies have, in their historical formations, established and evolved various forms of state embodying the ideological and coercive forces of the ruling class. In the revolutionary transition from feudalism to capitalism, the capitalist class achieved state power through the subordination of land to capital, and through this process land accumulation was superseded by capital accumulation as the reproductive mechanism of class society.

In these transformations the capitalist state was forged from the contradictions of the new social relations of production, to maintain and reproduce social conditions appropriate to capital accumulation through containment of the class contradictions of capitalism. (1)

In Britain the rise of the industrial bourgeoisie and new class relations of labour and capital from the second half of the 18th century into the 19th century saw the final completion of the transition from feudalism to capitalism, and the consolidation of the capitalist state within bourgeois democracy. In responding to the

changing contradictions of capitalism as it progressed into the 20th century, the capitalist state was expanded and reformed, whilst interventionist policies later replaced 'laissez faire' policies, which had become fetters on monopolistic expansion. The class struggle assumed new forms at each stage in the development of capitalism, and avenues of state mediation expanded into all aspects of social relations, seeking to contain the class struggle within a bourgeois hegemonic framework. However, whilst universal suffrage gave the working class a degree of popular political expression on matters of state policy, most of the agencies of the capitalist state have never been controlled by elected officials, but by non-elected functionaries, hierarchically structured in terms of recruitment and position as a political extension of the class structure they serve to maintain and reproduce.

Contradictions within the capitalist state have tended to express the wider contradictions in capitalist society as a whole. During recession when welfare programmes are cut back to finance increased spending on, and expansion of, the more coercive forces of the state, agencies such as the police, courts, prisons and armed forces have extended and expanded their spheres of state power, as the reproduction of capitalism demands more new and extensive forms of political containment of class contradictions. Therefore, with the role of maintaining and reproducing conditions for capital accumulation, the capitalist state has been faced with the contradiction between the necessity to reproduce the social divisions of capitalism, whilst at the same time attempting to

contain the social consequences of a class-divided society. Therefore the role of the police in this context has been primarily that of enforcing the class, racial, sexual and cultural divisions that have been integral to the development of capitalism, <sup>(2)</sup> i.e. divisions which are essential for the reproduction of the social, political and economic relations of capitalist society - the maintenance of conditions for capital accumulation:

"All social institutions combine to serve various aspects of this capital accumulation function. The police, however, serve as the front line mechanism of repression. As such, the central function of the police is to control the working class." <sup>(3)</sup>

The primary role of the police, then, is the control of the working class, and in this respect policing has formed an integral component of the relations of capitalist production. Changes in the relations of production have in this respect historically characterised the formal development of policing and consequently forms of policing and developments in law enforcement policy have expressed the contradictions of class society.

## 2) PREVENTIVE POLICING

### Ideology

"The mode of production of material life conditions the general process of social, political and intellectual life." <sup>(4)</sup> (Marx, 1859)

During transitionary social formations, such as that of Eighteenth Century England, new modes of production arise from and compete and conflict alongside traditional

ones. In such conditions, where the class interests of Land and Capital competed for political power, conflict also emerged between old and new ideologies expressing old and new material interests.

Revolutionary developments in productive forces, population expansion and changing class relationships led to a breakdown in traditional local-based systems of law-enforcement and order-maintenance with the emergence of masses of expropriated agricultural workers:

"Some historians have suggested that 'urban alienation' accounts for London disorder and crime in the eighteenth century. It may be more correct to say that the instruments of control there were weaker, in part because the class relationships that fostered deference were."(5)

A ruling class organises its power in the state, (6) and for the first half of the eighteenth century class struggle took place within the ruling class itself as conflicting interests competed for political power and control of the state. In this process the state itself was transformed as the contradictory political and ideological demands of landed, merchant, and later industrial capitalist interests competed for domination of state policy and practice.

With the breakdown of traditional means of controlling the labouring classes in the late seventeenth and early eighteenth centuries, the landlord class sought to reinforce their ideological conceptions of social order by introducing severe penalties for both light and serious law-breaking. With the growth of private property there

corresponded a significant growth in property crime as markets expanded in domestic production and trade. In reaction to the increase of theft of goods the death penalty was extended to sanction petty theft offences. Three quarters of all executions during the eighteenth century were for offences against property. (7)

At the beginning of the eighteenth century the threat of the 'dangerous classes' in London held little fear for the ruling Landlord Class buried in their shire estates; it was the middle classes in the towns and cities who had most to fear for their property from the 'submerged population', as Charles Reith described the labouring poor of early eighteenth century London. Reith declares:

"From them came the menace of Crime, and the menace of Mob Disorder, with increasing intensity which fifty years later began to be recognised as a threat to the foundations of public order and even to the existence of authority." (8)

Reith's comment raises the question: 'Whose authority?' Reith failed to address himself to this question because to identify the 'authority' he spoke of as class authority would undermine the universalism of bourgeois ideology.

Within the midst of the 'Crime' and 'Mob Disorder' of eighteenth century London, Reith saw the birth of bourgeois authority in the career of Henry Fielding:

"Fielding's short career as a magistrate offers a convenient starting-point for the story of authority's struggle not only on account of the recognition of crime as a serious menace to the state, which occurred at that time, but also because it coincided with certain manifestations of mob disorder which gave point to Fielding's warnings." (9)

Henry Fielding was a pioneer of the new bourgeois morality and ideology of the rising middle class in the eighteenth century, which contrasted sharply with the complacency of the aristocracy and gentry. For the Landowners, the eighteenth century "remained a golden age of power, privilege and increasing wealth." (10) However, the middle class were expanding and it was later from these ranks that industrial capitalists such as Watt, Wedgewood, Arkwright and Peel came." (11)

For the rising bourgeoisie the solutions to the growth of property crime and disorder lay not in increased sanctions but in moral reform of the working class. For the new bourgeoisie it was the 'immorality' of the working class which lay at the source of crime and disorder. This ideological conception became concrete in the social and political development of the nineteenth century, reflecting the material interests of the middle class and, in its early stages, found expression in the creation of morality societies in late eighteenth and early nineteenth century Britain. Some of these societies acted as voluntary police safeguarding bourgeois property, others concentrated on attacking the leisure activities of the working class. For the bourgeoisie, their morality expressed a universalist spirit - an ideological force - the essence of which rested within economic relations:

"The reflection of economic relations as legal principles is necessarily also a topsy-turvy one; it goes on without the person who is acting being conscious of it; the jurist imagines he is operating with a priori propositions, whereas they are really only economic reflexes, so everything is

upside down .... this inversion, which so long as it remains unrecognised, forms what we call ideological outlook." (12)

This analysis by Engels can be applied, to some extent, to the ideas and actions of Henry Fielding. In 1753 Henry Fielding set up the 'Bow Street Runners' - a small firm of private detectives. This was later expanded by his brother, John Fielding, who was also a magistrate. Both Fielding brothers held strong ideological commitments to the new bourgeois morality. For these early advocates of bourgeois culture, the working class was seen as possessed of over-indulgence, bad manners and immorality, which apart from seriously diminishing their chances of salvation was also perceived as incompatible to the needs of production; the working class existed simply for the creation of wealth for the property owning classes. The immorality of the working class threatened the fabric of social production. However, the Fieldings were careful not to apply their moral standards to the gluttony of the nobility and aristocracy:

" 'In diversions, as in many other particulars, the upper part of life should be distinguished from the lower'. If luxury could only be confined 'to the palaces of the great', society would not perhaps be much affected and might even receive some temporary advantage from it: 'The more toys which children of all ages consume, the brisker will be the circulation of money, and the greater the increase of trade .... To the upper part of mankind time is an enemy, and (as they themselves often confess) their chief labour is to kill it; whereas with the others, time and money are almost synonymous, and they have very little of each to spare; it becomes the legislature, as much as possible, to suppress all temptations whereby they may be induced to profusely either one or the other, since all such profusion



must be repaired at the cost of the public. Such places of pleasures therefore, as are set apart for the use of the great world, I meddle not with.' " (13)

Henry Fielding extended this attack to include demands that all literature which "idealised crime and low life" be banned. (14)

As the new ethos of capital developed, conceptions of 'order' developed new meanings leading to new ideological conceptions of the 'causes' of crime. These conceptions, during the latter half of the eighteenth century, focused increasingly upon the leisure activities of the working class which the new bourgeoisie perceived as the underlying cause of rising property theft and street disorder. John Fielding, who succeeded his brother Henry as Bow Street Magistrate, in giving evidence as a witness to a Parliamentary Committee 'on increasing Burglaries and Robberies', argued that the causes of crime were to be found in the gathering of small crowds by ballad singers, the freedom allowed to prostitutes, and the ease with which licenses could be obtained to sell wine and establish gaming houses. (15)

It is in these perceptions that the early foundations of bourgeois conceptions of 'law and order' were crystallized around a process of criminalisation of working class leisure activities on the basis of enforcement of forms of morality seen as conducive to the maintenance of order amongst the labouring masses.

John Fielding was succeeded by Patrick Colquhoun

in 1798 who founded the Thames River Police to "preserve for a colonial merchant and an industrial class the collective product of West Indian Slavery and London Wage-labour."<sup>(16)</sup> Colquhoun also founded the notion of 'preventive policing'. Following his predecessors, Colquhoun was also of the view that the causes of crime lay within working class immorality. For Colquhoun, poverty was essential for the maintenance of 'civilisation':

"It is the lot of man - it is the source of wealth, since without poverty there would be no labour and without labour there could be no riches, no refinement, no comfort, and no benefit to those who may be possessed of wealth."<sup>(17)</sup>

The task facing bourgeois authority, as illustrated by Colquhoun, was the need to persuade the working class into acceptance of their condition, abandon leisure pursuits and improve their morals. Along with such persuasion, Colquhoun also perceived the necessity of persuasion by force. For this purpose, Colquhoun advocated ....

"... a good police which would promote the moral improvement of the labouring classes by the exercise of supervision and restraint."<sup>(18)</sup>

The pressure for a new police to enforce bourgeois ideology was sharpened at the turn of the century with the increasing threat posed to the industrial bourgeoisie by labour struggles. The expansion of the capital accumulation process was increasingly threatened both at the point of production and within circulation. As Cohen argues:

"As such, the official task of policing was both to protect the institutions of private property, and to enforce statutory norms of public order primarily designed to ensure the free circulation of commodities, including the commodity of labour power."(19)

However, it was not until 1829 that the new police were initially established in London to clear the streets of costermongers and other street activities to ensure free circulation. Prior to that, the ruling class were still introducing increased sanctions in the attempt to contain rising social disorder and labour struggles:

"During February 1812 a Bill was passed by Parliament making the breaking of frames a capital offence, this crime having been hitherto only a 'minor felony' for which the penalty was transportation for fourteen years."(20)

(Reith 1938)

For Reith, the Luddite riots symbolised the breakdown of the authority of 'Authority'. With such a direct transgression of the law of property by anarchic 'mob disorder', the recourse to the death penalty seemed the only expedient to the ruling class for the maintenance of the conditions for capital accumulation:

"This was authority's only practical legislative answer to a loud demand for action to restore order."(21)

Reith again fails to inform us as to who was making these loud demands. From a historical perspective there was, in terms of hundreds of years of feudal disintegration and transformation into capitalism, little 'order' to be 'restored'. Rather, it was not the 'restoration' of social order which informed the loud demands of

property owners, but the establishment of a specific social order - bourgeois order:

"A 'crisis of authority' is spoken of: this is precisely the crisis of hegemony, or general crisis of the state." (22)

(Gramsci, 1929/35)

The bourgeois demand for order was a demand for bourgeois hegemony in class society. For Reith, and indeed for many contemporary bourgeois ideologists, there is only the struggle between 'authority' and 'mob disorder'. To acknowledge existence of the class struggle as the axis of social disorder would contradict the universalist conception of 'law and order':

"The Luddite Riots are an outstanding episode in the struggle between authority and mob disorder, because they illustrate the temporary failure of all the forces which were available for their suppression." (23)

(Reith, 1928)

It was from a recognition of the failure of these forces to police the working class in the early 19th century that the merchant and industrial bourgeoisie sought the establishment of a 'preventive police' to protect their property and maintain conditions for capital accumulation. With the establishment of the new police in 1829 and its gradual expansion into the provinces throughout the 19th century, an ideology had become a material force.

### Policy

Bourgeois historians of the police, such as T.A. Critchley, (24) are inclined to present the creation

of the modern police force in Britain as part of a long tradition extending far back to the years of the Danish and Anglo Saxon invaders. However, the 'Tythingman' of the Saxon settlers, the 'Constable' of Norman feudalism, or the 'Parish Constable' of later feudal times arose from different systems of custom and law enforcement, serving different roles and reflecting different social relations.

The early tribal systems maintained a collective responsibility for the maintenance of customs and social regulation. With the later Norman period each township appointed one of its members as 'constable', although the apprehension of offenders was still a collective responsibility whenever the 'hue and cry' was raised. With the establishment of Justices of the Peace in 1361, this collective responsibility was replaced by the warrant system and the 'constables' became subordinates of the magistrates.

The system of parish constables remained right up until the 19th century. Occasional riots or revolts by peasants were dealt with by the militias and it was not until the 18th century with the rise of industrial capitalism and capitalist farming that the ruling class, in the face of growing disorder, saw the collapse of the parish constable system. The emergence of new classes in struggle with the industrial revolution posed new problems of class control. The traditional way of life of the labouring poor was severely ruptured with the emergence of new social conditions created by capitalist production. The

traditional master-servant relationship was replaced by class relationships of capitalists and workers, and towns expanded rapidly to accommodate the growing masses of expropriated agricultural labourers who moved into the new manufacturing towns looking for work. The Enclosures Acts, and the disintegration of the craft guilds, caused by the growth of mass production based on the division of labour, created new social conditions of widespread poverty and social disorder to such an extent that the state continually resorted to armed force as a means of suppression.

The rampant growth in capital accumulation and the total subordination of wage-labour to capitalist market forces marked the final transition from feudalism to capitalism in the late 18th century. The forces unleashed by rapid capital accumulation, whilst consolidating the economic and political power of the industrial bourgeoisie, also fuelled the misery, degradation and despair of the labouring poor leading to the first tentative moves of the working class to organise itself<sup>(25)</sup> against capital, with the first coherent challenge to bourgeois power taking the form of machine breaking - the Luddite riots of 1811-12. From Luddism, the organised protest of the working class continued to grow. In 1817 the Habeas Corpus Act was suspended by the government, whilst at the same time the Seditious Meetings Act was passed which required that licences should be obtained from magistrates before public meetings were held.<sup>(26)</sup> And two years later in 1819 came the Peterloo Massacre, where the Yeomanry of Manchester charged a mass meeting of over 50,000 people

which had assembled in St. Peter's fields to hear 'Orator' Hunt. 11 people were killed and around 500 badly wounded. (27)

The position of the various outmoded forms of policing which continued to retain the characteristics of their feudal origins were increasingly laid bare by their inability to adapt to the new social conditions brought about by the rise of capitalism. Capitalists demanded a more effective and permanent force to protect their interests against the expropriated than was offered by Beadles, night watchman, parish constables and yeomanry. For the bourgeoisie, a new system of policing was required which could more adequately contain the new contradictions which had arisen with capitalist production. Thus, the creation of the 'New Police' in 1829 was more than just a matter of subjective bourgeois class interest but represented a vital need of the capital accumulation process for an extensive system of class control to ensure the maintenance of the conditions necessary for reproduction of the capitalist system.

The gradual development of bourgeois policing in 19th century Britain represented the unique establishment of a system of permanent state surveillance and control. As a paid full-time professional institution, the creation of the new police marked a clear distinction as a system of law enforcement from those of previous social formations.

For the ruling class, the use of troops for dealing with popular protest and civil disorder had proved an

inadequate means of class control and security of bourgeois wealth. Whilst the Landlord class feared the potential of centralised state power implicit in the creation of a new police force and preferred the traditional remedies of executions and other forms of severe punishment coupled with the use of militias to suppress popular protest, for the merchant and industrial bourgeoisie the radical changes in social conditions caused by the rise of capitalist market forces and new means of production meant the emergence of a new ethos of class struggle, in which the growing mass of discontented and disorderly proletarians posed a continual threat to the fragile social structure of early capitalism. The tradition of 18th Century crowd protest which characterised the struggle over specific issues between Landlords and Plebeians, as analysed by Thompson, <sup>(28)</sup> had by the turn of the century embraced new forms contradictory to the new social relations of capitalism. 'The crowd' were no longer plebeians but masses of proletarians forced into the towns and cities with nothing to sell but their labour-power; whilst directly counterposed to the mass of destitute wage-labourers stood the wealthy merchant capitalists and the new industrial bourgeoisie accumulating wealth via the rapid expansion of trade and mass production. For the bourgeoisie, every instance of public disorder posed a threat to the accumulation process, whilst the poverty and destitution of the labouring poor constantly threatened the security of capitalist property and merchandise. Containment of those threats for the merchant and industrial capitalists lay effectively in the creation of a



permanent visible force of bourgeois state authority for the security of capital accumulation.

Patrick Colquhoun, in recognition of these needs, argued for a Preventive Police, to act as "... the constant and never-failing attendant on the accumulation of wealth." (29)

Colquhoun's ideas were set out in his Treatise on the Commerce and Police of the River Thames which was written in 1800. The magistrate was concerned at the substantial threat to the profits of the merchants posed by the growth in theft of goods from London docks by the dockside workers. In response to this threat, Colquhoun established the Thames River Police, which was given official status in 1800, (30) and represented the first preliminary step towards the later creation of a full time professional police force.

However, it was nearly 30 years later, following a long period of parliamentary wrangling, before Colquhoun's conception of 'preventive policing' was given a wider extension. Whilst the Metropolitan Police Act of 1829 was only confined to the establishment of a new police force in the London area, its essential historical importance lay in the precedence it set for the formation of future forces in the provinces. Sir Robert Peel, the founder of the new Metropolitan Police and himself a cotton industrialist, clearly envisaged the later expansion of the new police force into the provinces where labour had begun to effectively organise itself in the

factories, mines and mills.

The importance of property relations was clearly reflected in the Act, with reference to property crime forming its introduction:

".... offences against property have of late increased in and near the Metropolis; and the local Establishments of Nightly Watch and Nightly Police have been found inadequate to the prevention and detection of crime." (31)

Moreover, the importance of maintaining public order in the streets of the Metropolis had not been neglected:

"And be it enacted That it shall be lawful for any Man belonging to the said Police Force, during the Time of his being on Duty, to apprehend all loose, idle and disorderly Persons, whom he shall find disturbing the Public Peace or where he shall have just cause to suspect of any evil Designs and all persons whom he shall find between Sunset and the Hours of Eight in the Forenoon lying in any Highway, Yard, or other place, or loitering therein, and not give a satisfactory account of themselves...." (32)

The Act followed the recommendations of the 1828 Committee, defining the new police office as the "Metropolitan Police District", which was to be funded from a Police Levy on the rates and to be administered by two Justices under the authority of the Home Office. (33) Of the two new Justices appointed, one was of a military background, the other a lawyer, and for many years later the military background remained a regular feature of Justices appointed to administer the new police. (34)

The gradual development of bourgeois policing from 1829 onwards represented the unique establishment of a

state institution which was to combine both ideological and coercive features for maintaining the social relations of capitalism. The attainment of this character was not however a homogeneous process of development; the form, character and practice of the new police was not only shaped in the day-to-day policing of working class communities, but also by economic, political and social developments in the class struggles of the 19th century.

As the bourgeoisie strove for hegemonic power, the expansion of the new police into the provinces was underlined by an ideological crusade in an attempt to legitimise policing amongst the working class. The bourgeoisie clearly recognised that exclusively coercive policing practices would not provide a lasting means of maintaining hegemonic domination over working class communities. 'Preventive policing' was presented to working class communities as a means of affording some protection to their limited possessions by an ever present external authority. However, if the new police were to cultivate a permanent presence, the open hostility given to 'Peel's bloody gang' needed to be subdued; and in many parts of London that hostility was extensive. As Ignatieff has stated:

".... the poor of London experienced the coming of the new police as a massive intensification of outside supervision over their ways of living and surviving - an intrusion which broke the casual callous contract of disregard between rich and poor in the 18th Century."(35)

Resistance to the new police was not as emphatic amongst the better-off working class. Here the protection

afforded by the police to their limited possessions gained some ground in legitimacy. As Bunyan argues:

".... the need to give some security for the working man and his family was essential if they were to accept that policing was in their interests." (36)

Policing in the 19th Century underwent a protracted struggle to establish its legitimacy. Moreover this desire was continually contradicted by the frequent recourse of the new police to coercive measures in order to control the streets for the security of capital. The introduction of beat patrols into working class communities led to regular confrontations and a war of attrition that was, in many cases, to extend to the present day. On the streets of London Hackney coachmen and street-sellers waged a verbal battle with the police for control of a pitch; <sup>(37)</sup> loitering and drunkenness were re-defined into degrees of toleration by external authority depending on the district concerned. In effect, the activities which the police suppressed and those they didn't greatly depended on the state of play of the war of attrition in each district. <sup>(38)</sup> The extent to which the new police achieved legitimacy in the districts of London is debatable; whether the acceptance of the new police on the streets was attained by 'negotiation' or simply persuasion by force, there is little doubt that to a greater extent the new police did succeed in managing to achieve a permanent presence. As Ignatieff argues:

".... The success of the police in securing the cooperation of the public depended less on keeping a rosy image of impartiality than on securing a near-monopoly over the market in violence and redress." (39)

Resistance to the new police was perhaps at its most fierce in public order situations. The plebeian heritage of direct action in making demands of the ruling class was not lost with the growth of the working class in the 19th Century. Indeed, this heritage probably served to strengthen working class protest by providing the social foundation upon which the class developed its collective solidarity in their overcrowded and destitute communities.

A significant change had occurred from the old plebeian single-issue crowd cause to working class protest based upon more radical and general issues. Popular protest had become more class-orientated and politically coherent. One year following the formation of the new police in London, crowds were chanting anti-Peel and anti-police slogans amidst ones for reform, (40) Resentment against the new police as an infringement on civil liberties were running high in 1833 when police using the flats of their sabres dispersed crowds gathered in Coldbath fields for a radical political meeting. (41) During the confrontation a policeman was killed, but the general hostility felt about the new police was such that a coroner's jury gave a verdict of justifiable homicide. (42)

The role of the new police in breaking up political meetings became a regular activity after 1829. Any

crowd situation was in itself a public order threat for capital, but an overtly political gathering posed a direct threat to bourgeois political power, as the state held little legitimacy for the working class in the absence of universal suffrage.

Whilst for the rising bourgeoisie the existence of a working class was essential for the continuation of the profit system, the political and economic combination of workers into their own organisation for resistance to capital was something the ruling class had to repress whilst the new power of the bourgeoisie was consolidated. Anti-combination legislation forced many trade unions, particularly the smaller ones, into forms of action which directly threatened capital. Machines were no longer sabotaged in symbolic defiance of the power of capital, but in order to harass blacklegs. This was particularly the case in the north of England where the class struggle was so intense that many of the millowners felt compelled to fortify their offices for protection during industrial disputes.

With the growth of trade unionism and chartism in the first half of the 19th Century, the struggle between labour and capital reached critical proportions. Whilst the new police in London were establishing their presence on the streets of the Metropolis, the industrial towns and cities of the north were fermenting with discontent. The increasing use of military force to repress popular disturbances could not provide a lasting means of containment of working class protest. The expansion

of the new police into provincial working class communities was a long protracted affair with many newly created forces meeting strong local resistance. Even when new police forces had been established in certain areas, the bourgeoisie had often to resort to the use of troops to repress political and trade union struggles. For examples, although the new police had been established in the black country in 1835, the Chartist-led miners' strike in Staffordshire in 1842 resulted in clashes with troops, as again happened in 1855 with the Black Country Riots. (43)

The introduction of new police forces to deal with the labour struggles of the provinces met strong local resistance. In some cases, new police forces could only be established after persistent parliamentary pressure with statutory legislation, as for example, with the County and Borough Police Act of 1856. Much of this resistance was due to radical influences in local councils. Foster, (44) in his historical research on 19th Century Oldham, shows the degree to which the radicals succeeded in gaining control of the Vestry and local parish constables by means of subverting the electoral system which was based on property ownership. As enforcement of law rested with the Vestry, through which the parish constables were selected, the radicals were able to appoint sympathetic constables who refused to intervene in political and industrial activity. The subsequent weakening of local bourgeois power led the state to respond by increasing voting rights (which failed) and then to appoint a crown nominee to appoint constables

(which also failed) and finally after pressure from the local bourgeoisie, the Oldham Police Act was passed in 1826 to establish a police commission made up of employers to appoint armed watchmen and patrols. After a five year struggle the radicals managed to subvert the police commission and subsequently dismissed the armed patrols. It was only with the introduction of the new police in the 1840's that the radicals eventually lost the battle for control of the police. (45)

The primary motivation therefore for the establishment of new police forces in the provinces was to safeguard capital.

By the middle of the 19th Century the bourgeoisie came to see in all crowd situations a potential threat to the social order. As Storch notes:

"By this period public disorder of any type, even manifestations usually devoid of overt political content - public house affrays, dog-fights, races, popular fetes of any type - seemed to constitute a clear and present danger to the social order." (46)

The position of bourgeois policing in this respect was quite clear; with the supersession of feudal paternalism, bourgeois authority created 'novel types of surrogates - modern bureaucracies of official morality'. (47) The working class was generally seen by the bourgeoisie as undisciplined and 'exempt from restraint of other classes'. (48) Capital clearly ruled and dominated the work place, as bourgeois authority was essential to production; however, for the capitalists there was also



the need to police labour outside the factory without recourse to military intervention. As the Home Secretary commented in 1855:

"It is of great importance that there should be a sufficient police force in all large towns, not only for the protection of life and property under ordinary circumstances but also with the assistance of Special Constables, for the repression of any sudden disturbance of the peace without requiring as has often been too often the case, the aid of a military force."(49)

Manufacturers complained of local parish police failing to protect blacklegs during strikes and demanded new police forces under 'independent control' to frustrate the attempts of strikers - as one employer put it - "to deprive the capitalist of his free choice of agents for the employment of capital."(50) A millowner, Thomas Ashton, no doubt echoed the thoughts of his fellow employers when he argued:

"In case of turns-out it would be desirable to have a force to protect people that are willing to work."(51)

The partisan role of the new police in the class struggle was again made quite clear in the words of Sherriff Alison of Glasgow who spoke in terms of a 'remedy' for 'intimidation' being the stationing of 'forty to fifty police night and day around a struck mill to protect the manufacturer's property and the right of entry of blacklegs'.(52)

Whilst then, the bourgeoisie of the 19th Century may have felt concern over the growth of crime and a desire to instil bourgeois morality into the working class, the overriding material interest behind the establishment of

the new police, particularly in the provinces, was a recognition of the threat posed to capital by the organised political and trade union struggles of the working class. Chartism, according to Critchley, was seen as a direct challenge to 'constitutional authority',<sup>(53)</sup> and was initially repressed by the use of troops and special constables:

".... In the face of the mounting threat, and government had at their disposal only levies of troops scattered about the country, and the Metropolitan police. The Home Secretary set up as a sort of general officer commanding home forces, ordering troops here and there as the threat developed in one area after another."<sup>(54)</sup>

The problems and inadequacies of using troops in public order situations was no more acute than in the provinces. Critchley argues that because the provincial towns and cities were without police forces structured along the lines of the Metropolitan police, they found difficulty in suppressing Chartist protest and thus, in many cases, had to rely upon the military.<sup>(55)</sup> However, he fails to mention the fact that the introduction of the new police into many towns frequently resulted in increased protest and disorder directed against the police themselves. Indeed, Storch's research has shown how in many cases an anti-police riot was initially sparked off by confrontations between police and troops.<sup>(56)</sup>

Parliamentary debate concerning provincial policing naturally focused on the towns with Chartist movements. Towns like Birmingham, Manchester and Bolton - all Chartist strongholds - were some of the first to establish bourgeois policing in the provincial areas of

Britain. In fact Chartist struggle in these particular towns was so strong that Parliament took the unprecedented step of rushing through bills to set up new police forces in these areas under the direct authority of the Home Secretary. This legislation was effectively emergency legislation and signified the extent to which capitalism felt threatened. This disregard of the notion of policing under local authority control - in part probably due to a degree of Chartist influence in some local councils - was probably one of the first examples of panic legislation that has periodically characterised the history of the capitalist state in Britain.

The hostility expressed by large sections of the working class against the new police was not purely a result of political intervention (although working class political leaders clearly saw the new police as a 'political' and not a 'protective' force given the large degree of surveillance practised) but also because of the policing of working class leisure activity. Storch gives as an example the Lancaster races on July 22nd 1840, when the arrival of a detachment of Lancashire rurals led to a series of police-crowd confrontations of a violent nature. This was certainly not an isolated incident, but reflected a general trend of anti-police behaviour in this period. Storch found that:

"In a significant number of cases episodes of violent resistance were directly traceable to police interference with established or customary leisure activities or with pub or beer house life." (57)

In many cases the Chartists articulated the resentment to the new police, in the recognition of them as a threat to many aspects of community life. Confrontation within this context was inevitable, but what is perhaps surprising is the extent to which resistance was shown. Storch again shows that more often than not resistance by local communities was carefully coordinated and planned rather than spontaneous. (58)

The bulk of anti-police protest occurred between 1839 and 1844, reflecting a period of general resistance and open hostility to the very presence of the police; and as Storch indicates, feelings did not so much subside later on but became expressed on a smaller scale and over more specific issues. Certainly the legitimacy of bourgeois policing was still weak generations after its first appearance.

The protection of capital and the maintenance of the conditions for accumulation through the control of labour was initially at least the primary role of the new police under early capitalism, particularly in the provinces where Chartism, industrial disputes and organised labour were making an impact. As a long term state practice policing was to develop its role of safeguarding the conditions for capital accumulation through its commitment to the ideology of 'preventive policing'. In terms of policing public order, the renewed influence of Chartism around 1842 finally brought the new police to the foreground in containing working class struggle. By 1842 it was estimated that three million people had signed

the Chartists petition and with renewed unrest and discontent troops were moved into positions in preparation for mass civil disorder. However discontent was apparent amongst many of the troops themselves,<sup>(59)</sup> and it was this that finally established the new police as the first rank in the defence of the state and capital. The Staffordshire Regiment in the West Midlands was particularly prone to discontent amongst the ranks, and after the reluctance of local magistrates a police force was created to replace the troops.<sup>(60)</sup> There was no disguising the purpose of the new force; as Philips argues:

"The early Staffordshire force seems to have been based, at least partially, on a paramilitary model with emphasis placed on the repression of riots and disorders."<sup>(61)</sup>

In this respect, para-militarism underlined the primary role of the new police as a force for maintaining conditions for capitalist production in the face of working class struggles:

"By the mid-1850's, the Staffordshire force had become skilled at handling riot situations, strikes and public meetings, while it is not evident that they had reached the same degree of skill in preventive and detective work involving more routine crimes."<sup>(62)</sup>

During the latter half of the 19th Century, once the new police had established their presence in working class communities, their function was broadened to the policing of the day-to-day activities of the working class. As Storch notes:

"The police had a broader mission in the nineteenth century, however - to act as an all-purpose lever of urban discipline. The imposition of the police brought the arm of municipal and state authority directly to bear upon key institutions of daily life in working class neighbourhoods, touching off a running battle with local custom and popular culture which lasted at least until the end of the century." (63)

For Storch, the new police had a crucial role as 'domestic missionaries', and moreover they had the power to enforce bourgeois morality on the daily lives of the working class. Along with the establishment of watch committees (Municipal Corporations Act 1835) under the control of the local bourgeoisie, there emerged the beginnings of law enforcement policy primarily directed towards the repression of working class activities considered responsible for immorality, disorder and crime:

"The initiatives of the police authorities in these areas of course cannot be viewed apart from the attitudes, prejudices and momentary reformist enthusiasms of the municipalities, magistrates and local elites who employed them. This was especially the case outside of London where the police were much less independent of local control than in the metropolis. For this reason police actions must be considered as forming the cutting edge of a wider and larger effort in northern industrial towns to impose new standards of urban discipline." (64)

Particular targets for law enforcement included a tightening up on drinking and drink-related activities, the imposition of the 'move-on system', suppression of working class blood sports, gambling, street entertainment and Guy Fawkes celebrations. (65) 'Preventive policing' was therefore 'the installation of the eyes and ears of ruling elites at the very centres of working class daily life'. (66)

Coupled with the development of new 'preventive' policing strategies in dealing with working class political and trade union struggle in the first half of the 19th Century, by the end of that century the capitalist state had at its disposal a historically new form of class control; formed from, on the one hand, the synthesis of the disintegrating feudal forces of order-maintenance (army, militias, special constables) and on the other, the forces of law-enforcement (parish constables, night-watchmen, Bow Street runners etc.) there emerged a new form of policing established as a permanent presence for the enforcement of both law and order. Moreover this was to be the enforcement of new laws - constituting a new legal form of class domination - and the enforcement of a new order of social class. (67)



(From P.F.Speed, 1974. p.39)

The formation of a preventive form of policing as an integral component of the state-capital relation was therefore a direct result of the inability of anachronistic feudal systems of policing to cope with the contradictions of early industrial capitalism. The formation of the new police effectively synthesised the various separate law enforcement and order-maintenance systems which had historically characterised previous class societies. These two basic forms of class control were fused under early capitalism; the new police combined elements of the previous systems, expanded them and sought a new hegemony based upon bourgeois ideological conceptions of 'law and order'.

#### Transformation

When the British Police were established during the 19th Century, the new forces were effectively at the forefront of state power, but as a tool of government and the military. From the Chartist struggles to the New Unionism at the turn of the 19th Century, the police were increasingly deployed as a para-military tool of government, in lieu of the military, to repress the struggles of the working class for the right to vote, the right to join a trade union, the right to protest and the right to strike.

At the turn of the 19th Century, a new period of intense class struggle was reached with the growth of the new unionism. Initially the bourgeoisie attempted to smash the new mass unions, as Lane commented:



"This whole period after 1889 is one of a developing counter-attack by the propertied classes against the industrial organisations of the working people."(68)

The growth of the new unions as a mass movement potentially threatened the fabric of capital. However, even by 1910, the police had failed to be fully consolidated as the first line of defence of capital. At the time of the Tonypandy strikes only 60 out of 200 forces had entered into mutual aid agreements, and the government called in the military to take control of the policing of the area. General Sir Nevil Macready was appointed by Winston Churchill to take command. In his memoirs Macready recalled his first meeting with the pit owners:

"The idea seemed prevalent among them that the military and police were at their disposal, to be increased to any extent they might demand, and to be allocated according to their advice. I had to point out that the numbers were dependent on what the Government might consider necessary and find available, and that the decision and responsibility for the distribution both of police and military rested with me ...." (69)

Macready may not have been at the 'disposal' of the pit owners, but both parties held in common the need to repress working class protest. During this period both police and military were deployed to repress workers in struggle:

"Striking miners were shot at Featherstone in 1893 and Tonypandy in 1911. Gunboats were anchored in the Humber during the 1893 dock strike and in the Mersey during the Liverpool General Strike in 1911. Frightened police going beserk in baton charges was almost a commonplace during a large strike."(70)

(Lane, 1974)

However, as the twentieth century progressed, military interventions against working class struggles became more specifically directed towards blacklegging and guarding transport movements,<sup>(71)</sup> as police forces developed and expanded 'preventive policing' to embrace the law enforcement and order-maintenance needs of capitalism.

The paramilitary aspects of preventive policing became tailored to the need to establish and expand a permanent police presence within all working class communities on the basis of foot-beat patrols for day-to-day surveillance, information gathering and law enforcement.

Whilst preventive policing retained para-military characteristics, particularly in public order situations, it had also by the 1920's expanded and consolidated information gathering processes with the establishment of the C.I.D. and Special Branch. Preventive policing acquired two arms, those in uniform and those in plain clothes.<sup>(72)</sup>

From the 1920's the character of preventive policing began to change. Between 1883 and 1939 local forces had been reduced from 231 to 183 through amalgamations.<sup>(73)</sup> These movements, coupled with the introduction of technological developments in crime detection, radio communications, telephones, tele-printers etc., facilitated the further expansion of information gathering processes and plain clothes policing.

Preventive policing, which had been established in the 19th Century and early 20th Century as the central form of policing embracing the law enforcement and order-maintenance needs of capitalism, continued to retain its essential purpose, but amalgamations and technical modernisation widened its scope. The system of local foot beat patrolling had, by the 1940's, been supplemented by specialised departments concerned with crime detection and information gathering under the central influence of the Home Office and Scotland Yard.

By the 1950's preventive policing was fast losing its traditional character. Police headquarters now had Information Rooms, the use of motor vehicles for area patrols, traffic patrols and C.I.D. work had begun to erode the traditional local foot-beat patrol system central to preventive policing.

By the late 1960's new forms of policing began to supercede preventive policing. These transformations, as argued by Bunyan, brought about 'qualitatively new directions in policing'.<sup>(74)</sup> Preventive policing, which had maintained its essential form since its establishment in 1829, began to fragment in the late 1950's under the pressure of changes in the productive forces and relations of capitalism.

### 3) REACTIVE POLICING

In America during the 1960's policing underwent a radical restructuring in terms of organisation and

operational strategies. In The Iron Fist and the Velvet Glove the Center for Research on Criminal Justice outline what they describe as the development of a 'military-corporate model'. Their analysis bears a close resemblance to changes in policing in Britain from the late 1960's onwards:

"Initially, police strategists responding to the crisis of the 1960's relied mainly on adapting already tried and tested managerial and military principles to problems of domestic 'order'. Confronted with the inefficiency and lack of coordination of local police units, many government and corporate reformers found it natural to look to the corporations and the armed forces for more effective models of organisation and planning. The result was a concentration of money and research on the development of improved technology (especially in weapons and in communication and information systems), and on devising sophisticated planning strategies, often based on 'systems analysis' and usually borrowed from the military. Although from the beginning some lip service was paid to the need for more subtle approaches involving improved 'community relations', the primary focus was on technical and administrative problems, and the overall thrust was toward reorganizing the police as an effective combat organisation." (75)

Through the transformation of preventive policing in the 1960's, two new forms of policing emerged which were closely interrelated, expressing new forms of paramilitary policing. Both 'pre-emptive' and 'reactive' policing continued to combine law-enforcement and order-maintenance, but the distinction rests firmly in the specialised roles and modes of operation which they developed through the 1960's and 1970's.

As noted in the previous section, the information-gathering aspect of preventive policing was gradually expanded in the twentieth century through increasing

specialisation. Intelligence gathering on criminals and political activists has of course been around since the establishment of the new police; however in the 1950's 'a concentrated effort was made to rationalise the storage of information'.<sup>(76)</sup> By the 1960's a qualitatively new form of policing was emerging from these processes - pre-emptive policing. Bunyan describes its essential features:

"This involves two assumptions - firstly, that those convicted of a crime are likely to commit another criminal act and, secondly, that the police have to keep themselves informed about those people who are likely to commit certain crimes even though they have as yet committed no criminal offence."<sup>(77)</sup>

Bunyan acknowledges that these tendencies have been present for many years in British policing but points to the fact that these have been largely localised, ad hoc and informal. For Bunyan, what has distinguished pre-emptive policing has been the 'formalisation and centralisation of information of this kind'.

The formation of specialist intelligence units such as the Regional Crime Squads and the National Drugs Intelligence Unit, Bunyan described as a concomitant development<sup>(78)</sup> of this process:

"..... the pre-emptive emphasis of policing which was at first directed towards the professional criminal soon extended to more political and social areas like immigration and drug-taking."<sup>(79)</sup>

The development of pre-emptive policing has been interconnected with the corporate centralisation of policing in Britain and the introduction of capital-

intensive systems of information gathering and communications. The provision of extensive communications systems, coupled with the rapid increase in mobility which laid the basis of the formation of reactive policing strategies, aided the development of 'command and control systems' <sup>(80)</sup> during the 1960's and 1970's. The Center for Research on Criminal Justice describe a similar development in the United States:

"If the organizational forms and techniques are modeled after the corporations, the actual operational strategies derived from this perspective are borrowed from the military. Military terms and concept like 'command and control' or 'operations research' have become a common feature in many police departments since the late sixties. In the police context, 'command and control' means devising the organizational and technical means of helping the police commander 'facilitate his command of policemen and police vehicles through control of communications networks and equipment at his disposal'." <sup>(81)</sup>

The organisation and technology of 'command and control' has been widely documented and examined in detail. <sup>(82)</sup> For the purpose of our analysis at this point, it will be sufficient to summarise the implications of these developments.

As noted by Reiss and Bordua, <sup>(83)</sup> the organisation and structure of police command relations is essentially 'quasi-military' - a 'rigid chain of command' <sup>(84)</sup> - and coupled with developments in technology, the material basis of mass surveillance and control has been forged:

"The police literature stresses command as the basis of control. Historical changes in the nature of police work and organisation have increased the importance of more subtle and perhaps more important developments in methods

of control, however. In the dialectic of dispersion versus centralisation of command, every development in the technology for police control of the population is accompanied by changes in the capacity of the organisation to control its members." (85)

Of the many social and political consequences of this development is the fact that with the introduction of command and control systems leading to greater supervision of policing 'on the ground', there is a reduction in the degree of discretionary power afforded to patrol officers. With the development of reactive forms of policing in conjunction with new communication systems, the autonomy of the rank and file constable has been greatly reduced.

The major outcome of these developments has therefore been a strengthening of the power of senior command over policing and law enforcement policy. As Lewis noted:

"The principle behind computerised control is centralised deployment in response to rapid and very sophisticated analysis of incidents." (86)

Thus policing has increasingly become reliant upon mass surveillance systems:

"Thus the entire police situation down to the streets in which foot patrolmen are walking, is visually recorded from moment to moment centrally and divisionally." (87) (Lewis, 1976)

The fear which Lewis expressed of the constable becoming an 'arresting machine' (88) is perhaps not unfounded, nor indeed perhaps science-fiction writer Ron Goulart's future nightmare of automated 'lawagons'. (89)

According to Baldwin and Kinsey:

"The increasing resort to intelligence gathering that typifies pre-emptive policing can be seen as a response to the lack of public contact engendered by reactive policing." (90)

This has been a common misunderstanding of the relation between reactive and pre-emptive policing.

The restructuring of intelligence gathering into centralised 'command and control' systems has not necessarily been a simple response to 'lack of public contact', but has been integral to the development of reactive policing. In this respect, pre-emptive policing was developed simultaneously with reactive policing back in the 1960's, not as a surrogate system of intelligence gathering but as a new and more formalised means of intelligence gathering and processing, taking full advantage of developments in new technology. The 'lack of public contact' which Baldwin and Kinsey refer to, has been the outcome of both pre-emptive and reactive policing. It was the so-called 'community policing' schemes which Baldwin and Kinsey favour, which were later developed in the 1970's as the response to the 'lack of public contact' engendered by pre-emptive and reactive policing. The relationship between 'community policing' (now an integral component of pre-emptive policing) and reactive policing is complementary, not contradictory.

The central point then, is that pre-emptive and reactive policing have characterised the formal changes in the system of policing in Britain, reflecting developments in the productive forces of capitalism and the



steady deterioration of the social and economic conditions of the working class. This relationship is particularly exemplified in the post-war policing of urban areas, especially those defined by police management as 'high crime areas', where reactive policing was first developed in the 1960's based on the unit beat policing system.<sup>(91)</sup>

The key link between pre-emptive and reactive policing is the 'Collator', who gathers and disseminates information between mobile patrols, C.I.D. and the Force Control Room. Reactive policing, which is based on the concept of quick response to reported incidents relies effectively on what John Alderson has described as the 'technological cop'.<sup>(92)</sup> This is the standard definition of reactive policing. However, reactive policing exists not just exclusively for immediate response to incidents - the 'fire brigade' notion coined by Sir Robert Mark - but has a broader political purpose.

The essential feature of reactive policing is mobility. A 'fire brigade' is static and only becomes mobile during emergency. Reactive policing is permanently mobile. The daily routine patrolling of working class communities has a specific role in itself - a mobile and often intimidatory presence. This is particularly the case in the patrolling of so-called 'high crime areas' - the inner cities and urban estates where, according to the authors of the State Research Bulletin, "... policing is not a question of protecting the community but of keeping it under control."<sup>(93)</sup> Indeed State Research goes on to argue: "The same ideology

also leads to the creation of specialist 'heavy' squads like Special Patrol Groups." (94)

The origins of reactive policing can be traced back to the late 1950's where experiments were conducted with 'Team Policing':

"Team policing consists of the transport of a small number of constables, under a sergeant, to a particular portion of a police district or division, where they are given specific duties to perform and defined areas to patrol. After a period of hours the whole or part of the team is taken to some other part of the district. Thus the team or some part of it moves from one point of concentration to another at the discretion of the sergeant. The members of the team remain individually responsible for the area or duty assigned to each of them and are only controlled as far as the day-to-day area of operation is concerned... Its success appears to depend on the features of the area to be policed, coupled with the facilities available in the form of wireless, emergency telephone (999) and Information Room Services." (95)

We see here in prototype the essential elements which formed the basis for the development of unit beat policing and later the more overt para-military Special Patrol Groups - the combination of mobility and centralised information and communication systems. The paramilitarism implicit in the reactive policing of working class communities became increasingly pronounced in the 1970's, and as Special Patrol Groups began to be regularly deployed in industrial struggles and political protests it became increasingly clear that a movement was in progress towards what, for mainland Britain, was to be a new form of para-military policing; the development of a 'third force'.

4) THE FORMATION OF A THIRD FORCE

Unlike most other European countries the British state did not develop a 'third force' to deal with working class protest.<sup>(96)</sup> Instead, the regular police, with the occasional deployment of troops, have handled public order situations up until the early 1970's when the miners' strike of 1972 saw the beginnings of the development of a third force capacity. Unlike the previous miners' strike of 1926, the regular police failed to break the mass picketing organised by the N.U.M., particularly at the Saltley Coke Depot. In the 1926 miners' strike, which continued following the General Strike, the dispute lasted for 6 months and by the end of that period, weakened and exhausted through months of hardship, the strike began to collapse; a trickle of miners back into the pits was met with mass picketing, but the pickets lacked the strength to resist the police tactics employed to break them up. At Pemberton, near Wigan, on October 14th 1926 around 2000 pickets assembled to confront some 300 miners who had returned to work:

"The crowd refused to go, with the result that the police charged them with their batons and several men are reported to have received injuries to the head. The men scattered in all directions and some of them who went into a field began to stone the police."(97)

The use of the baton charge, whilst being a regularly employed policing strategy for use against political protest and disorder throughout the 20th century was not used again against picketing until the events at the Warrington N.G.A. dispute in 1983 and the miners'

strike in 1984, where it became a regular event.

The turning point, in relation to the creation of a third force capacity, goes back to the 1972 confrontation between police and miners at the Saltby Coke Depot, where the failure of the regular police to break the mass picket saw the first stages in the development of a para-military third force, which would be put to full effect twelve years later in policing miners' mass picketing in 1984.

Up to the 1980's the enforcement of public order in industrial disputes during the post-war period had tended to rely on force of numbers with the occasional use of the truncheon. Given that industrial disputes are perhaps the most visible expression of day-to-day class struggles, in such situations the bourgeois democratic state strives to uphold its appearance of 'non-intervention'. Police presence in such situations is legitimised as a force for the prevention of infringements against the criminal law in what the state regards as essentially a civil matter. It is on this basis that when interventions do occur they are made to prevent 'breaches of the peace', 'obstruction', etc. With the Saltley Coke Depot confrontation in 1972, the police had behind them the weight of the new Industrial Relations Act which had been designed to further strengthen the policing of mass picketing. For the ruling class, particularly since the 1970's, any mass picket is inherently a threat to state power and a recipe for confrontation; as the editorial of the Police Journal in 1972 argued in the wake of the police

defeat at Saltley Coke, the mass picket in the eyes of the state is a prima facie challenge to the rule of bourgeois law:

"The nub of the problem lies in the definition of 'peaceful picketing'. Let's not mince words. Thousands of miners gathered outside a coke depot in Birmingham, miles away from the nearest pithead, or hundreds of Hull dockers besieging the entrance to a Lincolnshire warf, are just not interested in 'peaceful' picketing. Their argument is 'might is right'." (98)

It was on this same principle - 'might is right' - that the police confronted the miners of Saltley Coke with a show of force for several hours, but lost after failing to clear the gates of the depot. The police at that point had reached the limits of their organised power of coercion. The regular police force could no longer guarantee its capacity to confidently maintain conditions for capital accumulation. As a last measure, short of calling in the army, the Chief Constable ordered in a makeshift riot police. As Arthur Scargill recollected:

"These blokes in white steel helmets who came were supposedly motor-cyclists, but without actual motor-cycles, and with heavy jackboots on. They were marching them down, seventy at a time, and they were changing them every hour. Seventy marching down like stormtroopers, you could see them both sides. Then they started to bring them down every half hour to intimidate." (99)

In the meantime the arrival of hundreds more pickets ensured that the gates continued to stay blocked despite the use of a makeshift third force. The Chief Constable had to make a quick political decision - support for the miners at this time was daily strengthening, policing at Saltley Gate had failed to break the picket and man-

power had been stretched to its limit. A baton charge may succeed in temporarily clearing the gate, but for how long? There were also other considerations:

"Of course the Chief Constable of Birmingham could have exercised his discretion differently. He could have surveyed the massed thousands at Saltley and ordered his men into battle in the time honoured fashion. Assuming for one moment that the outcome would have been the dispersal of the crowds and the uninterrupted passage of vehicles in and out of the depot, what would have been the cost? In some quarters the police would have been the heroes of the hour. In others, the reaction would have been so bitter and intense that no one can say what effect it might have had on the eventual outcome of the entire national dispute." (100)

With such crisis situations, senior police command are faced with the decision of either going for all out strike-breaking with baton charges and therefore facing the serious risk of escalating the disorder rather than 'scattering strikers to the wind', or making a 'tactical withdrawal' and conceding to the demands of the pickets to 'close the gates'. As Anthony Deane-Drummond, ex-Major General and government specialist adviser on counter-insurgency wrote in Riot Control:

"Even if he had 18,000 police available, or three times the size of the crowd, it would have been impossible to make use of them in a confined area. The result would have been many casualties and the gates would have remained closed." (101)

For Chief Constable Capper there was the likely prospect that a baton charge by a disorganised makeshift riot police would fail and thereby undermine the image of authority and legitimacy of the police and strengthen the resolve of the miners; so the Chief Constable ordered the gates to be closed and the state embarked on some

serious reconsiderations of its means of breaking strikes without the direct intervention of troops:

"The need for a third force again became an issue after the mass confrontation between the police and strikers at the Saltley coal depot in the miners' strike of 1972. Faced by vastly superior numbers the police capitulated and the strikers succeeded in stopping the supply of fuel to power stations (on this occasion army units, armed with shields and truncheons, were available but not committed)."(102)

It was from the experiences of defeat at Saltley Coke that the government decided that year to create a part-time third force by giving the Special Patrol Group, which was originally set up in 1965 as a police support anti-crime unit, a wider para-military role for mobile response in strike breaking and policing other public order situations. The objective was to maintain a police identity for the part-time third force rather than a full-time military orientated force permanently stationed in barracks. As the continental experience demonstrated, riot police generated more hatred and counter-violence than the ordinary police.<sup>(103)</sup> It was from this point that training in riot control and firearms was stepped up, joint police-military exercises established<sup>(104)</sup> and a police intelligence unit set up to gather and collate information during major strikes and deploy forces accordingly.<sup>(105)</sup> The National Security Committee (later renamed Civil Contingencies Committee by the Wilson Government of 1974)<sup>(106)</sup> was also established and included representatives from the police, military and key ministries and it was essentially their recommendations<sup>(107)</sup> which lay behind the establishment of the new form of policing

public order.

The creation of a 'third force' capacity marked a new stage in the policing of working class struggles. The tradition of a regular police force charged with the task of maintaining both law and order in mainland Britain had begun to disintegrate by the early 1970's. Encouraged by developments in technology and mobility in the 1960's, policing in the early 1970's underwent radical changes in enforcement practices. By becoming increasingly distant from local government senior police command had a free hand in developing the new para-military capacity for order-maintenance. Whilst there was nothing particularly new historically in the degree of coercive policing employed against the struggles of the seventies, the establishment of new specialist forms of policing these events with para-military units marked significant changes in law enforcement policy.

Following the confrontation between police and demonstrators in the June 1974 Red Lion Square anti-fascist demonstration in which the SPG figured prominently in cutting through the demonstrators "like knife through butter"<sup>(108)</sup> and in which a demonstrator, Kevin Grately, was killed, the SPG were in action again on the industrial front at the Grunwick mass pickets of 1977. Deployment of these new para-military units for industrial and public order situations in the 1970's was defended by the state with the argument that 'mass picketing' was a new phenomenon to the streets of Britain. As the Police Federation stated:



"Since the miners' strike of 1972, however, a new dimension has been added by the organising of 'mass pickets' which would more correctly be termed demonstrations."(109)

It was not mass picketing, however, which was new to Britain in the 1970's, but the establishment of a part-time third force. At the forefront of the police attempts to break the Grunwick pickets, charged the SPG: their tactics were ruthless:

"For three minutes you can see them wading in, chasing people through gardens, pulling them out of crowds by their hair, thrusting them against walls, with such force that the walls come down!"(110)

Since the Grunwick dispute, the SPG and their provincial counterparts were expanded and strengthened and regularly deployed in public order situations, backed up by Police Support Units. Comprised of regular police with specialist para-military training, a new form of policing was established in the 1970's to provide a third force under the control of police command with specialist training and equipment to strengthen the coercive forces of the state in policing the deteriorating social conditions of late capitalism without recourse to military intervention.

For the state it is relatively easy to pass anti-union laws, but their enforcement is another matter. When the Heath Government passed the Industrial Relations Act in 1971 to weaken by legislation the power of trade unions it did not foresee the extent to which its attempts to enforce the Act would politically rebound and lead to an actual strengthening in trade union solidarity. Following on from the previous Labour Government's

failure in this sphere with the 'In Place of Strife' white paper to repress unofficial strikes, the Industrial Relations Act introduced a number of legal sanctions against trade union practices, including the requirement for trade unions to be registered, restrictions on the closed shop, compulsory secret ballots if the Secretary of State considered national security or public order was at risk and the making illegal of strikes for union recognition. These new laws were to be enforced by an Industrial Relations Court established under the Act.

However the first blow to the new legislation came soon after it became statute. The T.U.C. Annual Congress in September 1971 voted to oppose registration. The next 'pillar' of the Act to be demolished came when the government forced the railway unions to hold a compulsory ballot on a national pay strike. The membership voted overwhelmingly in rejection of the pay offer and the Government, following the massive publicity surrounding the ballot, conceded to the pay claim.<sup>(111)</sup>

Between the years 1971-1974 a whole series of disputes, including the miners, dockers and building workers disputes tested the enforceability of the Act. Trade Unionists were jailed by the Industrial Relations Court, union assets were seized but successful flying picketing by miners and building workers defeated police attempts to enforce the spirit of the new legislation on the ground. The whole machinery of the anti-union legislation collapsed along with the Heath Government in the 1974 election. The Act was repealed by the

incoming minority Wilson Government and it was to be another five years before the Conservatives could begin to avenge their defeat at the hands of the trade union movement. In the meantime, it was again the turn of the Labour Party to attempt to bring the unions under the heel of capitalism.

In recognising the principle weaknesses of the Industrial Relations Act, successive governments since 1974 have sought to introduce legislation in a piece-meal fashion. As C.A.C.T.L. noted on the failure of the 1971 Act:

"The State learnt some lessons from the defeat of this law. Firstly, it had made the mistake of putting the whole 'framework' into one document, and of attacking not only the tactics of the trade union movement (strikes, pickets etc.) but also the rule-books and internal procedures of the unions themselves. It sought in one move to place the whole structure of trade unionism, from top to bottom, under the direct control of a court, and to keep it there with the threat of fines and prosecutions. The framework was there for all to see, and it was obvious to the entire movement that it was damaging to its interests." (112)

The Labour Government of 1974-1975 sought to restrict trade union power by voluntary agreements over wage claims and collective bargaining machinery such as ACAS with government concessions such as the Employment Protection Act 1975 which purportedly strengthened the ability of unions to obtain recognition from employers. However, by 1977, the 'Social Contract' had collapsed. For the capitalists this was seen as no great loss as 'rising unemployment could be expected to impose some restraint on a wages explosion amongst semi-skilled and unskilled workers'. (113)

Moreover, in that same year legislation against trade unionism again began to reach the statute books. The 1977 Criminal Trespass Law, whilst not making occupations illegal in themselves, gave considerable leeway to the courts for interpretation and strengthened the power of the police to enter and search occupations if they (114) believed that an offence under the Act had been committed.

With much of the anti-union legislation passed by successive Labour and Conservative governments, the real test of the effectiveness of the legislation has rested on the state's ability to enforce the new laws. Moreover, as CATCL noted:

"The police are used both to test the practicality of new interpretations of the existing law and to also create the kind of incident which serves as an argument for changing it." (115)

Early use of the 1977 Criminal Trespass Act was against squatters. In August 1978, 160 squatters including 30 children were evicted from flats in Huntley Street, London, by 800 police. This show of force also included 100 SPG officers equipped with riot shields. As CATCL commented in 1979 just prior to the return of the Conservatives to power:

"Certainly the Huntley Street eviction was planned to prepare the public (and train the police) for similar action to be taken against any future occupation. At present it is obviously easier for them to attack groups such as homeless people squatting rather than large industrial occupations. (116)

Successive occupations saw increased police intervention such as the 1978 Drylanders dispute in St. Helens,

#### HUNTLEY STREET MASS SQUAT EVICTED BY 500 POLICE

At 6 AM on August 16th, in what was clearly a training exercise for the future as well as an arrogant display of force, over 500 police, led by units of the Special Patrol Group and using riot shields, sledgehammers, bulldozers and wagons with hooks and tackle, evicted the sleeping occupants of the mass squat in Huntley Street London, and arrested 18 of them.

The buildings had been occupied for 18 months by some 160 homeless people, having previously lain empty for four years. Following possession orders being granted last month, Camden Council had prepared housing for the families living there, but many of these were still waiting to move out. Meanwhile, the evening before the eviction, the Camden and Greater London Councils had agreed to help find alternative short-life housing for the single people living at Huntley Street - so the squatters had gone to bed confident that they would not end up back on the streets.

The eviction was not justifiable in even the authorities language, and it was met with outraged defiance from those who woke up in time.

Of those arrested, THIRTEEN have been charged under Section 10 of the Criminal Law Act, 1977 (the Criminal Trespass Law) with 'resisting or obstructing a bailiff or sheriff'. Although the police case has yet to emerge in court, it seems that they may be preparing to base their charges on the building of barricades at Huntley Street, rather than on the events of the eviction itself. If this were the case, it would have considerable implications for the development of the use of this offence against future occupations.

After the eviction, the CACTL Office issued a press statement condemning both the eviction and the use of the police (see over).

CACTL affiliates are urged to write to the Home Office as soon as possible to protest at this eviction, at the way in which the police were used to make homelessness into an issue of law and order, and at the use of criminal charges against those arrested. They are also asked to raise this matter with any MPs who may be connected with their organisation, either by sponsorship or by constituency.

Affiliates are also urged to support as far as possible any action which may be called in support of those arrested. The charges under Section 10 of the Criminal Law Act, 1977 have been remanded until September 21st. Details of action which may be decided upon will be circulated as soon as possible.

where only the mobilisation of 200 workers from local factories in support of 50 women who had occupied the factory forced the sheriff and police to turn away on arrival to evict them. At the Staffa occupation in 1930 300 police evicted workers occupying in protest against redundancies. Police occupied and held the factory until relieved by guards from a private security firm. In the 1981 Holman Mitchell dispute in St. Helens, strikers were evicted by police and bailiffs who entered the premises by punching a hole in the perimeter wall.

With the return of the Conservative Government in 1979, pledged to strengthen 'law and order', anti-union legislation was seen as a top priority in this respect. During the latter half of the 1970's the 'law and order' mandarins had concertedly orchestrated for anti-union legislation. The 'law and order' lobby basically pressed for:

1. Limits on numbers of pickets.
2. Picketing only of places in dispute.
3. Unofficial strikes to be made illegal.
4. No right to strike in essential services.
5. Secret ballots for industrial action.
6. Refusal of benefit to strikers' families.
7. Abolition of the closed shop. (117)

Most of these demands have since been implemented by the Thatcher Government and represent a direct political challenge to the trade unions, who have become considerably weakened by the growth of mass unemployment. In practice, however, the policing of mass picketing has largely relied

on the use of existing criminal laws which give police wide powers to deal with such situations. Even before Prior's Code of 6 pickets the police, on the grounds of public order, had already placed limits on picketing, as in the Garners strike of 1978 where a limit of 6 pickets was enforced by the police. (118)

For chief constables, a mass picket is not a picket but a mass demonstration:

"When you get thousands of people turning up to a picket, it is no longer a picketing situation, it is a demonstration situation."

(Chief Constable Alan Goodson, 1980) (119)

And in redefining mass pickets as violent demonstrations, police chiefs have attempted to legitimate para-military policing strategies characteristic of a third force. As James Brownlow, Chief Constable of South Yorkshire, questioned at an ACPO/Local Authorities Conference in the wake of the 1980 steel strike:

"Is there a need to mobilise a standby force when national emergencies or problems arise, formed from officers seconded from police forces on a temporary basis and with the units being on permanent standby, and totally financed and equipped from national resources?" (120)

With the formation in 1981, following the widespread inner city riots, of the Instant Response Units this question had largely been answered. As the GLC Police Committee Support Unit commented in July 1983:

"Together the SPG (240 strong) and IRUs (at least 1,100 strong) are in effect the Met's front-line 'para-military force for use in public order situations - such as riots, street confrontations, pickets at strikes and demonstrations. They are, in effect, Britain's 'third force' drawn from the ranks of the uniformed police." (121)

The Instant Response Units were later re-named District Support Units with 'specific and continuing roles in districts when on standby. These ... include anti-burglary patrols, rowdyism patrols, searches, road blocks, observations and execution of warrants' (122) - what the GLC Police Committee Support Units referred to as a 'blurring of any distinction between public order and crime'. (123)

Britain's third force was effectively consolidated during the NGA dispute at Warrington in 1983 where the Manchester Police, Tactical Aid Group (T.A.G.) made a series of baton charges against the pickets in an effort to clear the road for scab lorries. As a forerunner to the miners' strike of 1984, the motorway and road blocks, baton charges and driving of police vehicles at the pickets proved to be a practise run for the big confrontation with the miners a few months later and the consolidation of new para-military policing strategies for breaking strikes.

With the miners' strike of 1984, Britain's para-military third force had become well established as a national riot force under the control of the National Reporting Centre and commanded by the Association of Chief Police Officers (ACPO). (124) According to Nick Davies, writing in the Guardian, this 'new form of police operation' had 'marshalled 20,000 officers from all over England and Wales into one centrally directed effort'. (125) On visiting the NRC at New Scotland Yard, Davies noted various wall charts including one chart



listing 'the National Coal Board areas with a breakdown on ballot results and "intimidation" as well as local intelligence'. (126)

The use of snatch squads also figured prominently in police operations in the coalfields, consolidating experiences gained in policing political demonstrations, the inner city riots of 1981 and - in relation to the early years of the new para-military police in mainland Britain - the experiences of the police and army in Northern Ireland. Other tactics, such as the use of 'wedges', random stop-and-searches and roadblocks adopted by the Special Patrol Groups and other similar provincial para-military forces in mainland Britain were all first developed and tested by the R.U.C. Special Patrol Group and the British Army on the streets of Northern Ireland. (127)

The development of a new para-military third force in Britain during the 1970's and 1980's has been closely related to the general development of reactive policing in this period. It has gradually resulted in the blurring of the operational distinctions between the policing of public order and the policing of crime - between the law enforcement and order-maintenance roles of the police. These new para-military policing strategies are now directed both towards the policing of public-order situations and the daily policing of working class communities; (128) and it was in the policing of the coalfields during the 1984/5 miners' strike that any distinction between policing public order and the policing of communities became negated with the establishment of an overt para-military police presence in these areas. Reactive law enforcement

thus increasingly assumed an overt para-military form underlined by a policy reflecting A.C.P.O.'s ideological affinity with the Thatcher Government and its political commitment to the maintenance of bourgeois power by the coercive subordination of an increasingly militant working class. As Mandel has argued:

"The working class can now potentially use its organised power, by direct popular actions and mass strikes, to solve the profound social problems created by the internal contradictions of late capitalism. But the exercise of this proletarian power increasingly collides with another tendency inherent in late capitalism, the subordination of all the elements of the productive and reproductive processes to the direct control of monopoly capital and its State. Wage-struggles by trade unions and unrestricted rights to strike, 'normal' liberal freedoms of the press, assembly and organisation, rights of demonstration - all these are becoming increasingly intolerable to late capitalism. They must therefore be legally restricted, undermined, and abolished by the State." (129)

The policing of public-order situations underwent significant changes in the 1970's and 1980's. We have already examined these changes in relation to the policing of strikes and picketing, but it was largely in the policing of political protest in the formative years of reactive policing in the 1970's that the strategies, tactics and the whole paraphernalia of riot equipment and technology were first developed in mainland Britain.

Mass demonstrations such as the CND and anti-Vietnam war protests of the 1950's and 1960's were not seen as precipitating a fundamental crisis of policing; nor the Notting Hill race riots of the 1950's, or even the fascist and anti-fascist confrontations of the 1930's where, for example, the police retreated during the famous battle

of Cable Street when anti-fascists succeeded in breaking up a march of Mosley's blackshirts. Again in the 1950's and early 1960's confrontations between fascists and anti-fascists did not lead to the introduction of riot police, CS gas and other paraphernalia of repression. In 1962 police and anti-fascists clashed in Trafalger Square when members of Mosley's Union Movement attempted to hold a rally. At the climax of the battle 'wooden staves, flags and microphones were used as weapons and as the battle reached its climax bottles, lumps of cement and bricks were thrown'. (130) The anti-fascists eventually succeeded in totally breaking up the fascist meeting and a police superintendent turned to the fascists and told the organisers to stop their meeting:

"Get out!" he shouted. "Get out all of you,  
Take the flags and all your gear and move off  
as quickly as you can." (131)

It was not until the early seventies that policing strategies in dealing with popular protest began to undergo significant changes. The turning point was undoubtedly the confrontations of Saltley Coke, where not only did the police appear to lose, but the Government as well.

In the early 1970's the fascist movement began to gain momentum, feeding on the racist ideologies disseminated by the mass media. With the growth in unemployment and decline in living standards, the black population became a target for both state racism - with increasing police harassment and brutality - and the fuelling of racism amongst sections of the white working class and middle class with the orchestration of the notion of the

'immigrant problem' designed to affirm the prejudices, chauvinism and xenophobia instilled in the heads of the masses through schooling and the media. Such developments gave confidence to the small minority of fascists in Britain, feeding on the racial prejudice orchestrated by the State. They were, in effect, a by-product of state racism. When Martin Webster, founder member of the fascist National Front said in the 1960's that they were busy building 'a well-oiled nazi machine' in Britain, it was effectively the state that provided the oil.

Fascist movements grew rapidly in the mid-seventies as the recession began to take hold. In response, the left began to organise counter-demonstrations and the first major confrontation took place in Red Lion Square in June 1974. Units of the SPG were deployed against the anti-fascists and a baton charge by mounted police led to the death of one man - Kevin Gately - from a blow to the head. Chris Myany of the Morning Star described the police attack:

"A horrible crunching noise built up as the police, mounted and on foot, truncheoned and kneed their way into the rally. They swamped all in their way in an indiscriminate onslaught." (132)

Police cordons across roads re-formed into fighting units:

"What had been a police cordon with linked arms, backed by the weight of the horses, became a punching, kicking, truncheoning, arm-twisting mass driving the marchers up Old North Street." (133)

The National Front march had been organised by Martin Webster as a demonstration against 'the amnesty granted to

illegal immigrants".<sup>(134)</sup> And in evidence to the Scarman inquiry which was set up to inquire into the events of Red Lion Square, Webster alleged collaboration with police Special Branch officers prior to the march setting off.<sup>(135)</sup> In a report to the Home Secretary on the events of Red Lion Square, Webster also alleged detailed collaboration between himself and the Special Branch on the policing of the anti-fascist march.<sup>(136)</sup>

Confrontations between fascists and anti-fascists continued to grow during the 1970's with policing strategies geared more and more to dispersal and repression of the anti-fascist counter-demonstrations with the use of SPG and mounted police baton charges. In election year 1979, the police had built up a considerable third force capacity with the use of SPG's and PSU's armed with riot shields, batons and occasionally using police dogs. At Leicester on April 21st, just two days before the confrontations at Southall, in which Blair Peach was killed, a dress rehearsal took place which included 5,000 police officers drawn from 21 forces in riot gear plus dogs and a helicopter. 4,000 of the officers were from other forces and were comprised of SPG's and PSU's. The whole police operation was conducted with military precision. Units of PSU's marched to and from locations and running battles took place between police and ANL supporters. Repeated baton charges by police officers, who also used their shields as weapons, fragmented the counter-demonstration, in their attempts to protect the National Front march. As the Leicester Mercury recorded, it was only when the NF march was halted by the force of numbers

of the ANL that the police brought out their riot shields.<sup>(137)</sup>

The shift towards new and more overt para-military forms of policing political protest during the seventies was justified by the state and the media as a response to what was essentially defined as increasingly violent protest, which the regular police using 'traditional' methods were unable to handle. In the Leicester confrontations "bricks, bottles and the occasional smoke bomb" were thrown over the heads of the police at the fascists, although the Leicester Mercury described these as being aimed at the police.<sup>(138)</sup> The point is, however, that whilst this action led the police to reach for their riot shields, in contrast to the anti-Mosely confrontations in Trafalger Square in 1962 where similarly "bottles, lumps of cement and bricks" were thrown by a minority of the anti-fascists, the police did not react by deploying para-military units but called off the fascist rally. The difference lies in the collapse of post-war liberal bourgeois conceptions of 'law and order' and the emergence of more reactionary conceptions in the 1970's. Moreover, the essential contradiction endemic to reactionary 'law and order conceptions' is that they actually feed off rising social and political disorder and exacerbate such situations to legitimate further repressive measures, which whilst legitimated on the grounds of temporary or emergency contingency (such as the P.T.A.'s) become a permanent feature of state practice. The correspondence between on the one hand the rise of fascism, the development of counter protest and the development of a third

force capacity to deal with working class struggle in the 1970's and on the other the election of a particularly reactionary Conservative Government in 1979 on a platform of 'law and order', is not a coincidence. Such factors are characteristic of the politics of reaction.

The watershed of this shift from liberal to reactionary forms of law enforcement was undoubtedly the period of the 1979 election when the killing of Blair Peach by the SPG during a full-scale police assault on the Asian community of Southall marked the consolidation of reaction, not by the National Front, but by the incoming Conservative Government. Indeed, it was from that moment that the National Front dwindled and virtually collapsed as a political force. (139)

Fascist rallies and counter-demonstrations did however continue for the next two years or so after the 1979 election but their numbers had dwindled and organisation collapsed. However what was significant about these events post-1979 was the manner in which the police continued to consolidate and strengthen their new para-military forms of policing public order. In less than ten years, the whole strategy of crowd-control techniques had shifted from the "deployment of the minimum number of uniformed police to cordon off sensitive areas or to separate rival factions" (140) to the deployment of a maximum number of uniformed police to saturate whole areas, with the use of para-military units to cordon off areas but ready to reform into combat units on the order of senior command. This has been a major feature of the transformation of

preventive policing into reactive policing and the subsequent formation of a third force capacity.

Eighteen months after the events of Southall, fascist and anti-fascist confrontations were still continuing but largely in small localities around the country. On the 23rd November 1980 one such event occurred in Bolton, Lancashire. A detailed study of that occasion illustrates the extent to which new paramilitary forms of policing public order situations had been established as a matter of routine by the beginning of the 1980's.

Bolton is an average size Northern town, historically a part of Lancashire but now within the boundaries of Greater Manchester. Ten miles or so north of Bolton lies Chorley, a small town still within the boundaries of Lancashire. A demonstration by the N.N.F. was also scheduled for Chorley on the same day, with A.N.L. counter demonstrations.

In demonstrations of this nature, the police tend to rely on 'mutual aid' - i.e. manpower assistance from neighbouring forces, and in some cases, forces lying some distance away. In this case it was decided to cover the Bolton event, as a previous event of a similar nature was alleged to have resulted in a complaint from the local constabulary about the heavy handed tactics of SPG type contingents drafted in. It would thus prove interesting to observe policing strategy for this event. The fact that both constabularies (Lancashire and Greater Manchester) were both having to deal with public order



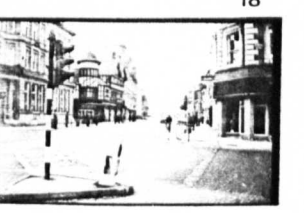
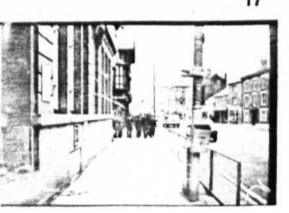
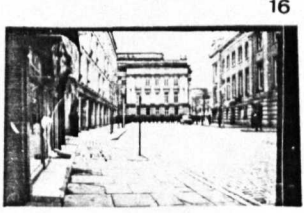
situations of potential volatility, most probably ruled out 'mutual aid' between them. Other nearby constabularies which could have provided mutual aid were Cheshire, Merseyside and West Yorkshire. All of these had PSU's and SPG's.

Police activity prior to the demonstrations:

Prior to the demonstrations, police activity was centred around the sides and back of the Town Hall. This area was cordoned off later as the police moved into positions (the NF were to assemble in the Town Hall vicinity). I arrived on the scene a little early whilst the police were still arriving and organising (approximately 11.30 a.m.).

Numerous police vehicles were parked around the street and coaches were arriving containing teams of police officers. These teams of police officers (probably PSU's) all entered side doors in the Town Hall (P 5). Some could be seen carrying protective pads.

As mentioned, parked around the area were a variety of police vehicles. Of particular interest were small vans containing police dogs (P 1). In the same vicinity was a large green van, probably a 'Black Maria'. On the side of this vehicle was the Greater Manchester police insignia (P 2). Nearby was another road containing police horse vehicles, also displaying the Greater Manchester police insignia (P 3 and 4). Apart from these, other vehicles included a variety of transit vans and patrol cars. It was clear that a large police presence was



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planned from the beginning.

The ANL were rallying some distance away at Bolton College. The police presence here appeared to be a token presence, largely to monitor the size and activity of the counter-demonstration. (P 6)

On returning to the Square, the back and sides of the Town Hall were now being sealed off by police cordons (P 8 and 16) and the town Square itself was also being cordoned off, with all entrances via side streets and the shopping precinct being blocked by lines of police (P 7). Inside the square, police officers formed lines around the perimeter (P 9, 10, 13, 14). The Square and the surrounding area was being heavily policed by 12.00 a.m. A conversation with a police officer on the Square proved interesting. (N.B. No demonstrators had arrived yet, and only odd members of the public passed around the Square).

The officer approached me as I paused at the entrance to the Square to observe the scene (with camera). His manner was informal as he asked me if I was free-lance; I replied that I was, more or less. During our conversation I asked him about the police in the Square. He said most of these were from the local force, but had previous experience (and training?) of this kind of situation. He also drew my attention to the fact that most of the officers were wearing mackintoshes. The reason he gave was that the short jackets (e.g. P 24) were often confused with SPG's and thus perceived as such. So the officers all wore macs instead. (This may have resulted from the

local force's previous complaint about SPG tactics, and thus the wish to differentiate themselves). Despite this, however, officers were observable (especially later) in short jackets. Following this I asked him if Manchester had an SPG. His reply, after some consideration, was 'not really'. (TAG?). He also pointed out that if trouble occurred, the officers in the Square would re-group to work in teams. This indicated that most of the officers in the Square were probably PSU's. The constable later said that he'd been to the Leicester event in 1979 and had also been available for policing picket lines during the steel strike.

#### Policing the Demonstrations:

On returning to the High Street near the Square, this was now also being heavily policed. Teams of officers (P 17) moved into positions on the High Street, breaking up to form lines along the pavement (P 11, 12, 18). This was obviously part of the route along which the NF were to march. Members of the NF started to arrive in the Square shortly after 2.00 p.m. The main body was led by police officers at the front and a police Range Rover at the rear (P 19 and 20). ANL supporters must have been held back, as there was no sign of them around the Square. The NF supporters walked across the heavily policed Square and round into the side of the Town Hall. The Square was now accessible to the public, although the police still maintained their positions around the Square.

It was in the side street where the police had originally gathered, that the NF rally began to form.

In all, there were approximately 100 supporters. Police cordons sectioned off the street in which the rally was forming. These officers were mainly in short jackets, and formed the front line in protecting the NF from the ANL supporters now slowly gathering (P 21 and 23). The rear of the NF rally was heavily policed by (approximately) four lines of police officers in short jackets (P 22 and 25). A brief scuffle led to one demonstrator getting arrested (P 24 - far background).

The NF rally proceeded to march off under heavy police escort (P 26 - far distance) with ANL supporters held back. Some ANL supporters broke away from the stationary protest to protest against the NF further along the route. What emerged was that the police moved to cordon off all exits from the Square which these ANL supporters approached (P 27 and 28). The bulk of the ANL rally had now fragmented down side streets which were blocked by police officers as the NF marched past (P 28).

Eventually the ANL managed to flank the NF march which was in turn heavily flanked by the police (short jacketed) (P 29, 30, 32). ANL supporters were squeezed along the pavement as the march progressed.

An incident occurred at one point on the march. I observed two police officers abruptly leave their position flanking the NF march, and dive into a section of the ANL crowd which was inside and around an alcove. The officers with no hesitation aimed straight for a young black man, who appeared to be standing at the back of the crowd, and dragged him between them onto the

street, arms around his neck, punching him in the face (P 31). I could not discern the reason for the arrest, apart from the colour of his skin. (He was subsequently charged with threatening behaviour).

Eventually the NF arrived back where they started. This time all streets were cordoned off by heavy police lines, and movement between streets was impossible (P 33). The ANL rallied some distance away under heavy police escort. The NF were finally allowed to disperse under heavy police protection, the bulk of them returning to coaches. Dispersal passed off with little incident.

No dogs or horses were used, as far as I could see, during the events, although mounted police in crash helmets were present around the courtyard in the Town Hall rear vicinity (P 34 and 35). These were probably the Greater Manchester Mounted Police. (N.B. They had earlier led the ANL march from Bolton College and were reportedly used at Chorley for a similar event on the same day).

In conclusion, the situation appeared to have been policed mainly by PSU's largely from Greater Manchester; some of the short-jacketed officers may have been either TAG or SPG's from another force, but this was uncertain.

Although the policing of the Bolton event did not compare with that of Southall or Leicester in terms of coercive repression of anti-fascist protest, what it did show was the extent to which by 1980 new para-military forms of policing had become routine. Indeed the militaristic approach, with marching platoons, roadblocks,

cordons, mounted and dog contingents, riot equipment (either in reserve or in use) and specialised para-military units have featured prominently in the policing of a wide variety of public order situations in the 1980's. Since the riots of 1981, the para-military capability of the police has been significantly strengthened with the practical advancement of reactionary conceptions of maintaining 'law and order'. With the miners' strike of 1984, the third force, based at the National Reporting Centre, effectively marked the consolidation of a national para-military police force and one step nearer to fascist forms of policing.

"The most centralised of law enforcement systems are those organised explicitly for the purpose of political control. Governments which have maintained such systems have been known in their time as 'police states'. (141)

The Conservatives came to power in 1979 determined to restore the profitability of British Capital at the expense of the working class. Their means to achieve this objective, developed through the enthusiastic embrace of the kind of monetarist dogma popular with fascist dictatorships, has been based on three principal strategies: the creation and maintenance of mass unemployment as a means of forcing down wages and living standards to strengthen monopoly capital, a severe contraction of State Capital (142) and privatisation of the 'profitable' residue. This was essentially the basis of the Government's pit closure programme and its attempts to smash the N.U.M. Within the pit communities there was an acute awareness that the miners were fighting not just for the future of their



industry, but for the future of their communities. The solidarity of the mining communities was a solidarity against what would effectively be the run-down of their communities as well as the collieries. As Walker and Miller argue in A State of Seige:

"The miners' strike was a strike in favour of community, in favour of working class culture, a class strike against capital and its power to move families and workers about or throw them into poverty." (143)

Coal mining is the last of the great heavy industries to be run down and hived off to private capital. Dockland communities in Liverpool were fragmented and scattered into ghettos of mass unemployment by the state which has also developed the means to police the social consequences of these policies. Similar processes later faced many pit communities, as Walker and Miller argued:

"When there is a crisis of profitability or when the owners of capital decide to re-locate labour or abandon it, civil liberties become dead letters." (144)

To break the miners' strike and open the way for pit closures, a massive police operation was initiated which consolidated the national riot police formed in the aftermath of the 1981 riots, and involved over 500 officers on permanent 'standby'. (145) For constabularies such as Greater Manchester, it meant a reduction of up to 50% cover in police patrols as officers were transferred to anti-picket duties. (146) All forces by 1984 were equipped with riot gear, including plastic bullets and C.S. gas projectiles. (147)

This para-military mode of police organisation has, since the beginnings of the miners' strike, been consolidated as a national force under the direct control of A.C.P.O. and politically structured through the National Reporting Centre. The most significant aspect of this development has not only been the emergence of a nationally controlled and directed new form of policing but the extent to which it has facilitated a further extension of the political autonomy of A.C.P.O. Walker and Miller however argue that the N.R.C. is simply a 'tool' used by the Home Office; <sup>(148)</sup> What needs to be understood is the fact that the national para-military force as directed through the N.R.C. represents the development of a form of policing under the political control of A.C.P.O. It is a significant indication of the extent to which the Police Force as a whole has become increasingly less a tool of government and increasingly more a tool of its reactionary and quasi-fascist corporate police management. <sup>(149)</sup>

Many of the consequences of this movement have already been realised. We have witnessed the invasion by para-military police of pit communities, whose sole crime was to be engaged in an industrial dispute, where the role of the police, according to their manuals, should be to "... ensure that the gathering is peaceable." <sup>(150)</sup> When the police turned around and guided pickets, heading for the Notts coalfields, into the waiting 'arms' of the para-military police at Orgreave they were carefully preparing battlefield conditions for an offensive against

the N.U.M. with the purposeful creation of a situation of violent confrontation.

In the four years from the widespread anti-police riots of 1981, when A.C.P.O. effectively established its national riot force, that force had, by the time of the miners' strike, been expanded into a permanent para-military police. This move combined police operations against pickets with the occupation of pit communities and violent repression of the inhabitants; thereby at times exercising conditions akin to martial law.

According to Walker and Miller:

"The violence that the police were able to use at Orgreave has given them the confidence to move into the pit villages and use that same violence against the community." (151)

It is true to say that the Orgreave confrontations strengthened the confidence of the police in using violence against pit communities; however some communities had already witnessed police violence prior to Orgreave, as for example in the Rainworth incidents. Para-military policing operations against pit communities had throughout the strike increasingly revealed a policy of directing anti-picket operations via the occupation of whole communities in a similar, but more widespread manner to the Swamp 81 police occupation of Brixton. A.C.P.O. now have an efficiently co-ordinated national mobile para-military organisation. Walker and Miller described conditions in Nottinghamshire:

"The majority of police officers in Nottinghamshire are para-military police officers. They travel to their destination in long convoys of white support unit vans, like an occupying army." (152)

For effective strike-breaking the para-military police assumed the role of escort and bodyguard for scab miners. For the police it was essential that a valuable commodity such as the scab was as far as possible alienated and isolated from the strikers. The daily delivery of handfuls of scabs into the pits became an extensive, almost counter-insurgency operation for the police. On a daily basis massed police ranks surrounded dozens of pits throughout the country in order to enforce the individual's right to scab, often not even at his 'place of work'. The Tory M.P.s and men of destiny, such as David Owen, who enthusiastically urged the Government to take more legal action against secondary picketing<sup>(153)</sup> kept very quiet about secondary scabbing.

In the policing of the miners' strike, para-military operations were conducted not just for strike-breaking but also to politically enforce the pit closure programme and the eventual dissolution of the mining communities. Profitability once again became the maxim for running down a major industry and natural resource; the fact that the working class communities which built the industries are shattered and thrown on the dole is, for the ruling class, largely incidental - as long as the police manage to contain resistance. In criminalising the mining communities, the state attempted to legitimate its actions to those sections of the working class and middle class who have as yet not borne the brunt of recession and crisis. However it has been increasingly difficult for the state to legitimate the kind of brutal and coercive measures it has previously deployed against

the Irish working class and the Black working class. For the state and the media, striking miners had to be made into outlaws; as a group of workers who were alien and opposed to its public (unlike the noble scab). Pickets were defined as 'pit bullies' and classified under the general 'hooligan' category:

"When men formed themselves into gangs intent on terror, whether they were National Front thugs, soccer hooligans, or pseudo-pickets they had to be faced as they were at Orgreave by firm and determined police aggression." (154)

This identification obscured the reality faced by striking miners of persistent and intensive police harassment. As Gifford and Christian pointed out:

"To be a miner on strike is to be an outlaw, watched, checked, prevented from using the roads, and often intimidated and abused." (155)

Even pickets' cars were entered into the stolen and suspected vehicles index of the police national computer. (156)

The enforcement of Conservative anti-union policies by the para-military third force essentially represented the political enforcement of monetarism against working class communities under the pretext of law enforcement. As Home Secretary Leon Brittan stated in a speech at the Tory Party Conference in October 1984 on the problems of implementing the Party's 'law and order' policies against the miners:

"What we're facing at the moment is not essentially a problem of law - it's a problem of order - enforcing the law." (157)

In this respect law enforcement became a political

problem of policing the pit-closure programme, to the extent that the enforcement of the Government's monetarist policies (i.e. the closure of 'uneconomic' pits) required the deployment of the police as a nationally structured para-military third force to implement law enforcement policies specifically directed towards the criminalisation of pit communities.

Small pit villages, miles from the nearest 'high crime' areas of the inner cities and usually patrolled by one or two rural bobbies<sup>(158)</sup> (the last remnants of preventive policing) were suddenly infested with criminals and hooligans 'jumping on the bandwagon of the miners' strike situation'.<sup>(159)</sup> And so, as illustrated with the Hemsworth confrontations for example, a village usually policed by 12 officers suddenly found itself occupied by 300 para-military police.<sup>(160)</sup> In such situations the third force becomes a vehicle for martial law without recourse to the use of troops.

5) CONCLUSION: REACTIVE POLICING AND THE NEW  
PARA-MILITARISM

Preventive policing emerged in the 19th Century as a means of policing the contradictions of early capitalism. In this respect it was formed as a general system of law-enforcement and order-maintenance directed towards the maintenance of conditions for capital accumulation. As the 'constant and never-failing attendant on the accumulation of wealth' (Colquhoun) preventive policing was established and developed primarily to safeguard capitalist property from illegal expropriations, to

combat trade unionism, and to enforce bourgeois rule against working class political activity and within working class communities.

For the bourgeoisie, the preventive form of policing was viewed as necessary for the 'restoration of order' by combating the 'menace of the mob', the improvement of working class morality and the regulation of working class leisure activities. As a political force of capital, preventive policing had a much broader political role than simple crime prevention. As the class struggle intensified in the 19th Century, through industrial expansion and working class political organisation, paramilitarism became integral to preventive policing as the new police forces gradually replaced the military as the regular state force for repression of domestic dissent.

During the late 1950's and 1960's preventive policing began to lose its traditional form as the introduction of new technological developments led to specialisation and greater mobility. In addition, changes in the structure and character of many working class communities provided the impetus for the development of new policing strategies and together these factors played a crucial part in the emergence of reactive policing in the 1970's.

Reactive policing has been developed as a new form of policing the working class and particularly the policing of working class communities experiencing deteriorating social conditions.

The distinctive feature of reactive policing has been

the emphasis on mobile patrols backed by increasingly advanced communication and computer systems, geared to the para-military policing of working class communities. Reactive policing, with this emphasis on permanent mobility, has effectively made the para-military policing of working class communities a matter of daily routine. Many urban areas have been designated by chief constables as 'high crime' areas to legitimate the new para-militarism of reactive policing.

During the late 1970's and 1980's, the para-militarism of reactive policing in working class communities and the development of a third force capacity for public order situations was defended by police chiefs and right-wing politicians as a necessary response to what they defined as a 'crisis of law and order'. This political relation between reactive policing and reactionary ideology formed part of a broader historical relationship between forms of policing, law enforcement policy and ideology. The contradictions engendered in society by capitalist production are identified and reacted upon as the causes of crime and disorder - which undermine social order - rather than these contradictions being endemic to the social order of capitalism itself.

This false identification of causal relations between sections of the working class and their adverse conditions of existence has formed the ideological basis of the law enforcement policies of Government and Senior Police Command in the 1980's. Given the strong ideological affinity between Chief Police Officers and the Thatcher



Government, the chief constables have been given scope to further consolidate their political autonomy from government in the formulation and implementation of reactionary law enforcement policies. In Part 2 we will examine more closely this relationship between ideology and law enforcement policy, and the impact of these new forms of policing on Merseyside working class communities during the 1970's and 1980's.

PART 2

POLICING KNOWSLEY

1) MERSEYSIDE POLICE AND THE FORMATION OF K DIVISION

Centralisation

A critical examination of changes in police structure over the last twenty years reveals a distinct tendency towards a rapid centralisation of policing. Since the introduction of the Police Act 1964 the number of constabularies in England and Wales has been reduced from 117 to 43. This centralisation process has effectively meant a shift of power from local borough levels to regional and national levels. These moves were closely in line with local government reorganisation, particularly with the passing of the Local Government Act (1972).

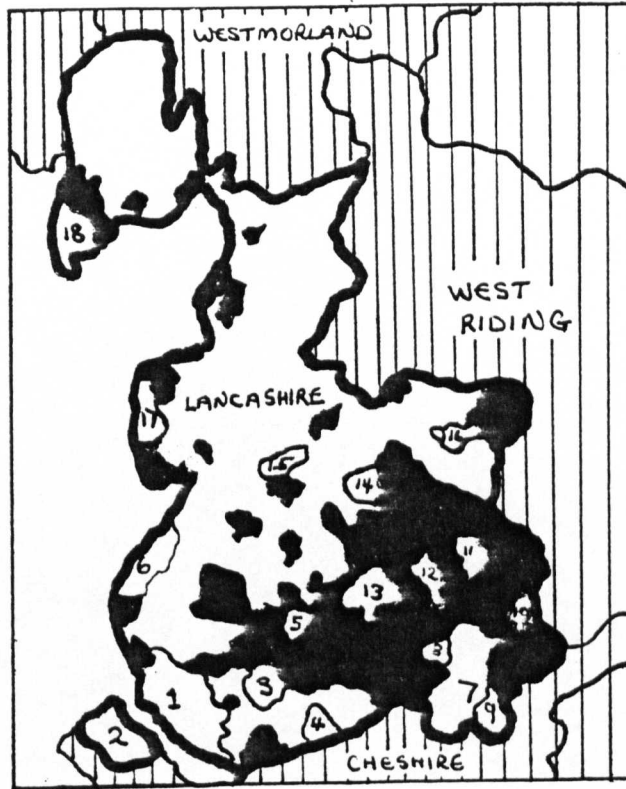
Centralisation was achieved by two processes; the amalgamation of local forces and the restructuring of police force boundaries. The creation and development of police forces in England and Wales has historically been closely related to local government reorganisation. Each stage in this development has reflected a process of centralisation of political power. In line with the historical development of local government based upon county and borough administrations, local police forces also reflected this arrangement. The Municipal Corporation Act (1882) represented the first real attempt by the state to regulate the size of local police forces. The Act stated that no new borough with a population under 20,000 could maintain a force independent of the particular county. The intention was to restrict the growth of small forces and encourage amalgamation.<sup>(1)</sup> The Local Government Act (1888) created the county boroughs

from existing municipal boroughs with populations of over 50,000. Political power was made equal to that of counties.<sup>(2)</sup> Centralisation of policing continued with the merger of borough forces policing populations of less than 10,000, with the county force. This was raised to 75,000 by the Local Government Act of 1926.<sup>(3)</sup> The 1946 Police Act pushed through the amalgamation of municipal borough forces with county forces.<sup>(4)</sup>

Thus, in line with the development of local government, police forces existed on a 'two-tier' system composed of independent county borough police forces, with areas not covered by county boroughs policed by a separate county force. With the Police Act 1964 most forces of non-county boroughs merged with county forces.

Through the process of centralisation police forces began to attain regional dimensions, with the transformation of many small constabularies into fewer but larger forces. This movement was also accompanied by regional centralisation of police management and organisation. Following the Police Act 1964, the process of centralisation accelerated. By 1969 many borough forces had been incorporated into the larger County Forces and reduced to divisional status.

The largest force to emerge from the reorganisations of 1969 was the Lancashire Constabulary. Prior to the reorganisations of 1969, there were 19 county borough forces, with the county force covering areas outside borough boundaries. (MAP I). Each borough had its own chief constable and watch committee. Liverpool and

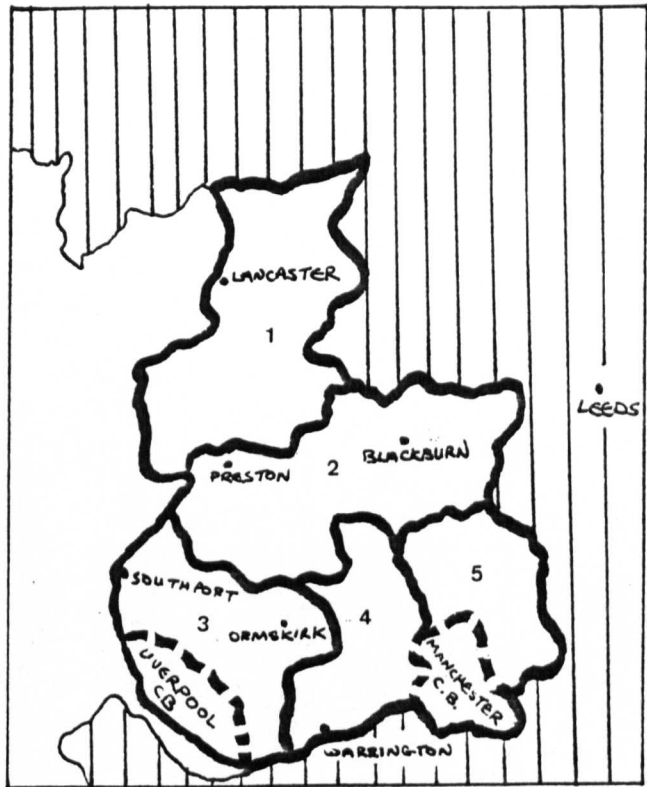


# INDEX TO COUNTY BOROUGH

- 1 LIVERPOOL & BOOTLE
- 2 WALLASEY & BIRKENHEAD
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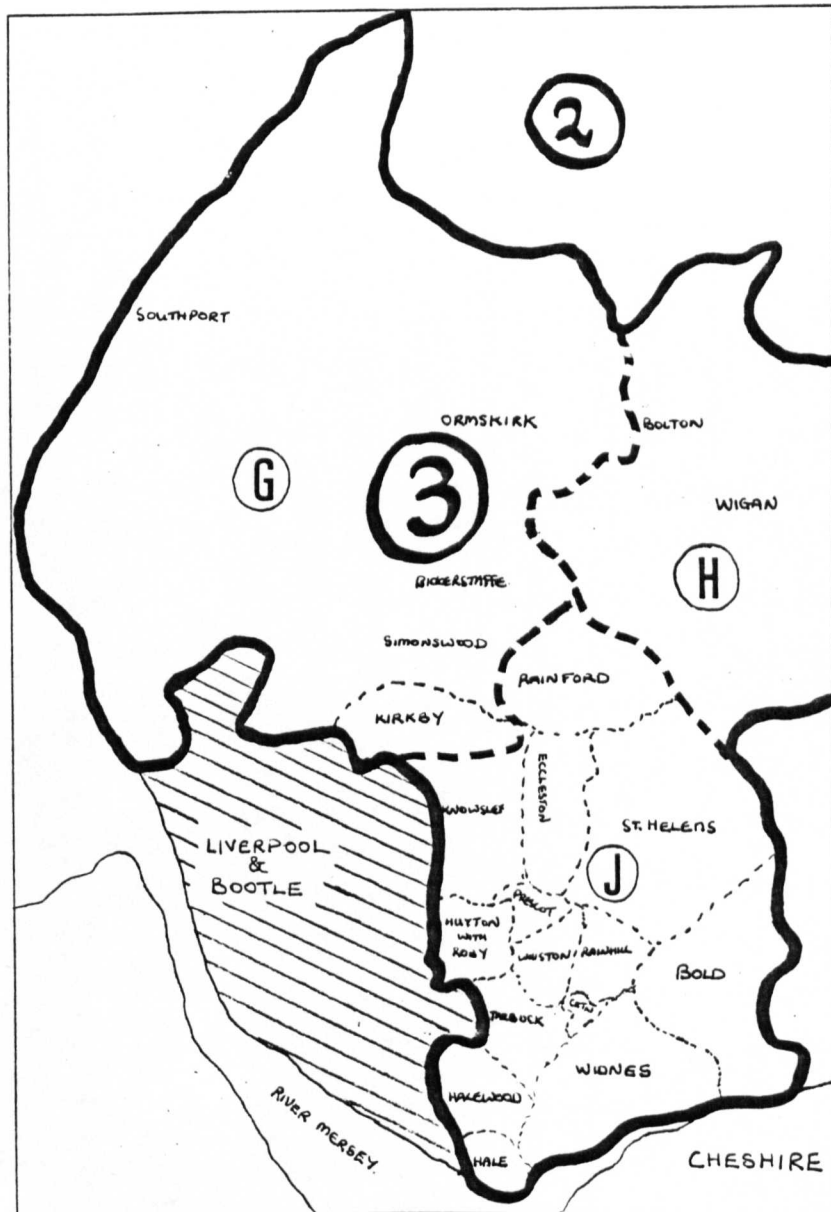
LANCASHIRE COUNTY AND COUNTY  
BOROUGH POLICE FORCES: 1967.

- Lancashire County
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LANCASHIRE CONSTABULARY  
POLICE DISTRICTS: 1969.

———— District Boundaries  
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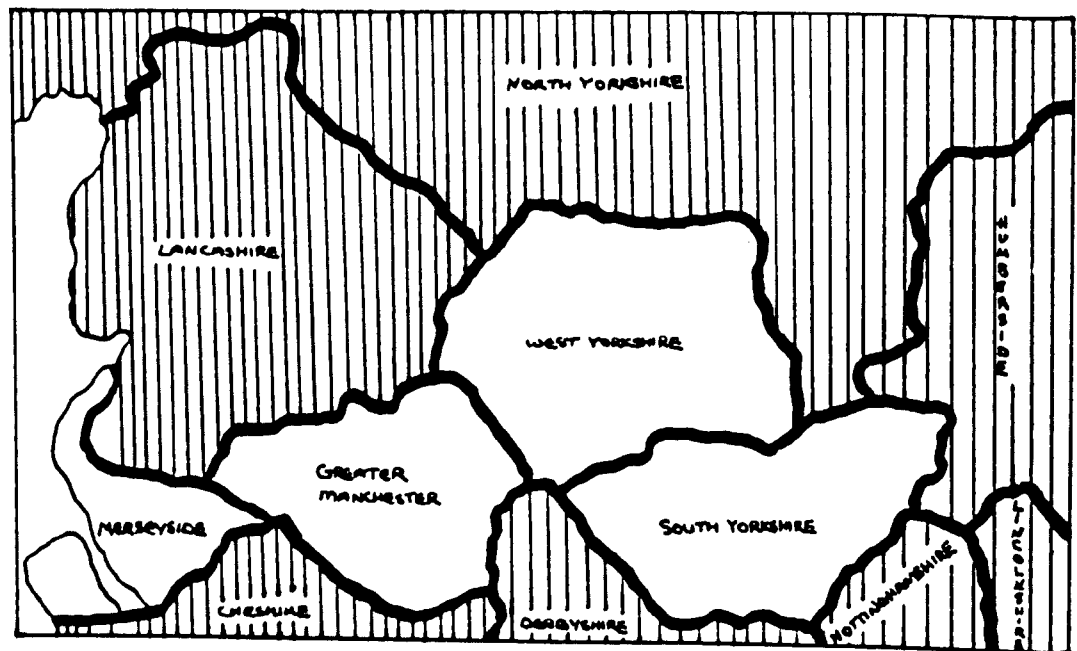


LANCASHIRE CONSTABULARY DISTRICT 3  
(1969)

- District Boundary
- - - - - Divisional Boundaries
- - - - - Sub-divisional boundaries





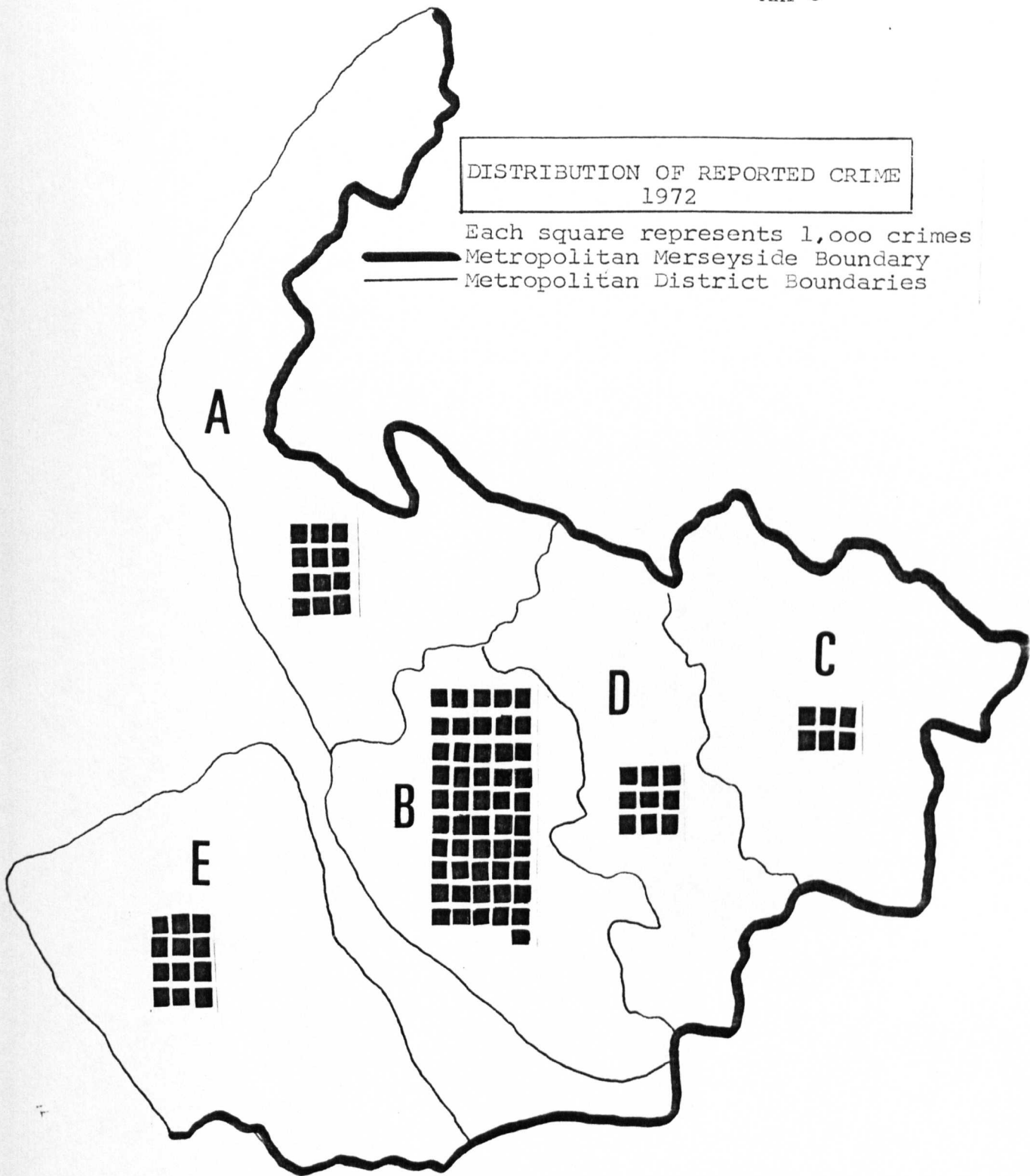


NORTHERN ENGLAND:  
METROPOLITAN COUNTIES

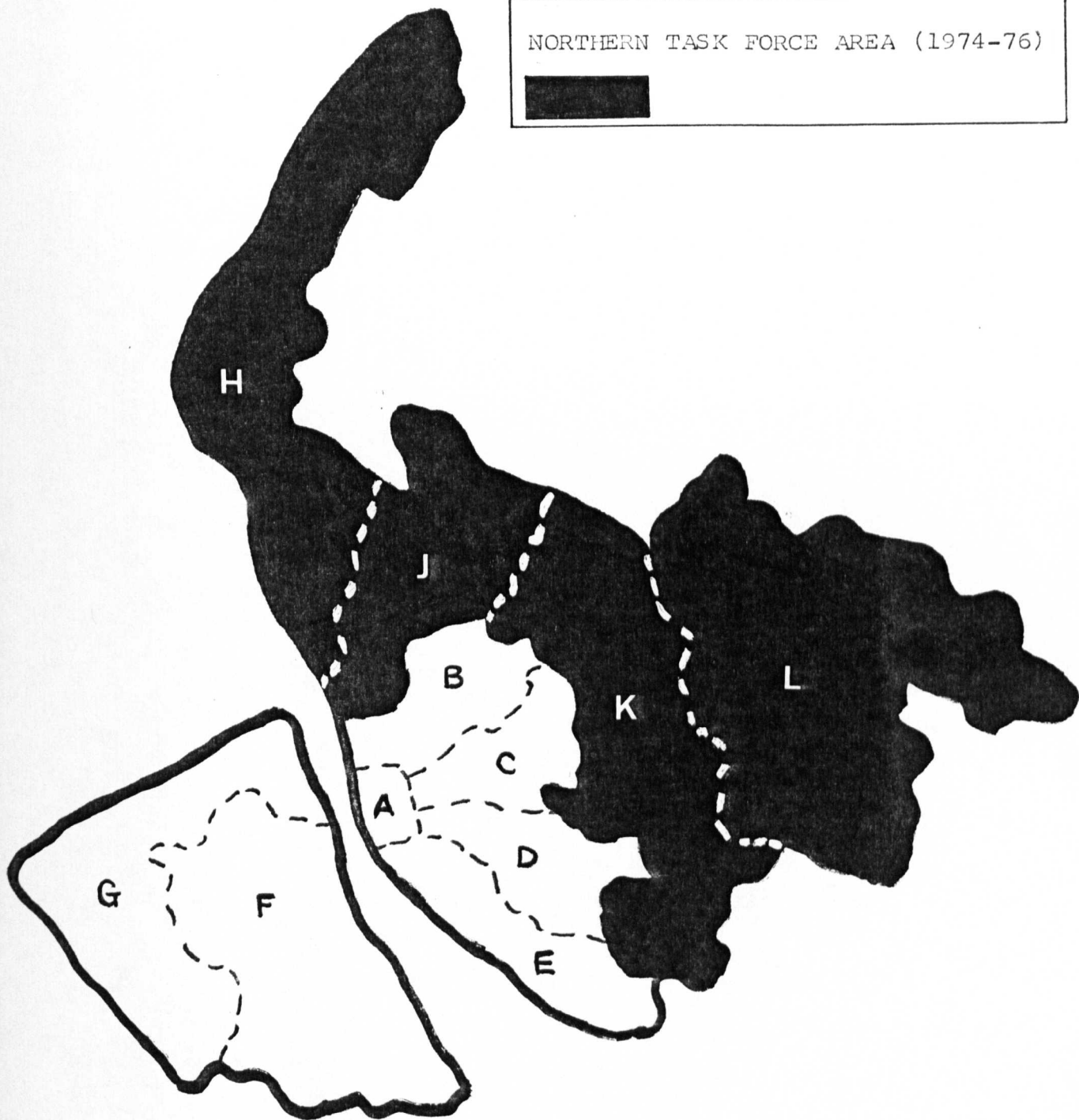
DISTRIBUTION OF REPORTED CRIME  
1972

Each square represents 1,000 crimes

— Metropolitan Merseyside Boundary  
— Metropolitan District Boundaries

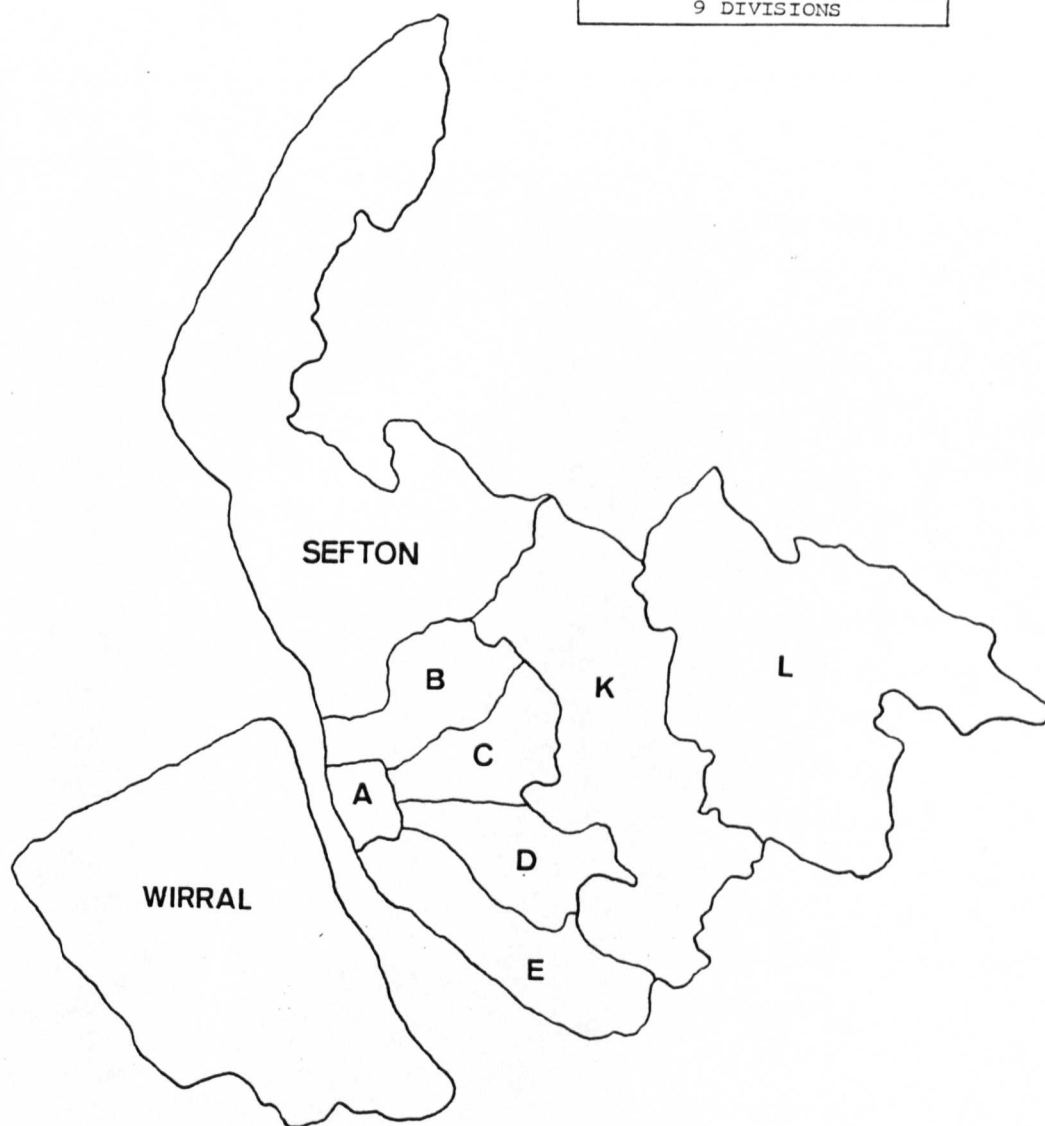


NORTHERN TASK FORCE AREA (1974-76)



MAP 8A

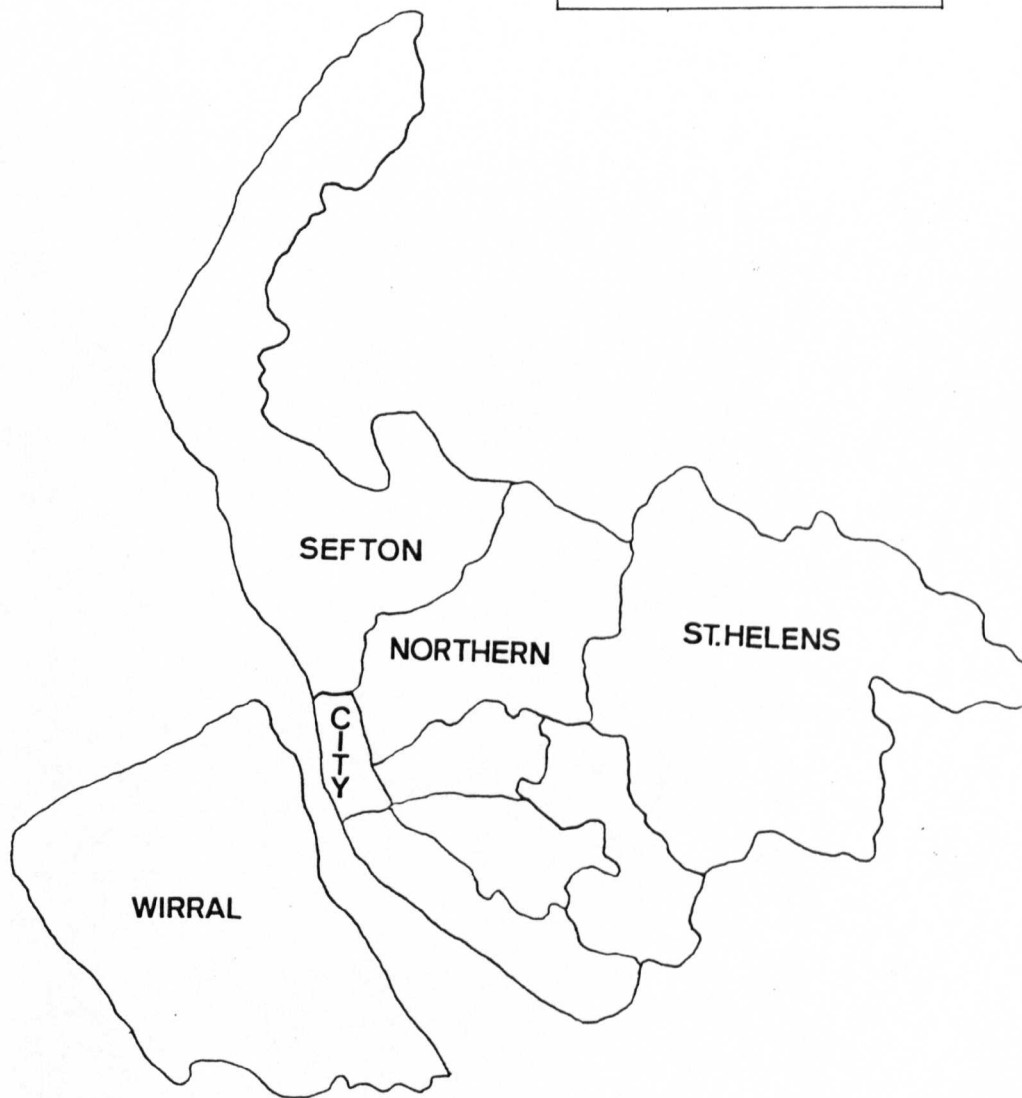
MERSEYSIDE POLICE FORCE  
REORGANISATION: PHASE 1.  
9 DIVISIONS



Divisional Boundaries

MAP 8B

MERSEYSIDE POLICE FORCE  
REORGANISATION: PHASE 2.  
9 DIVISIONS

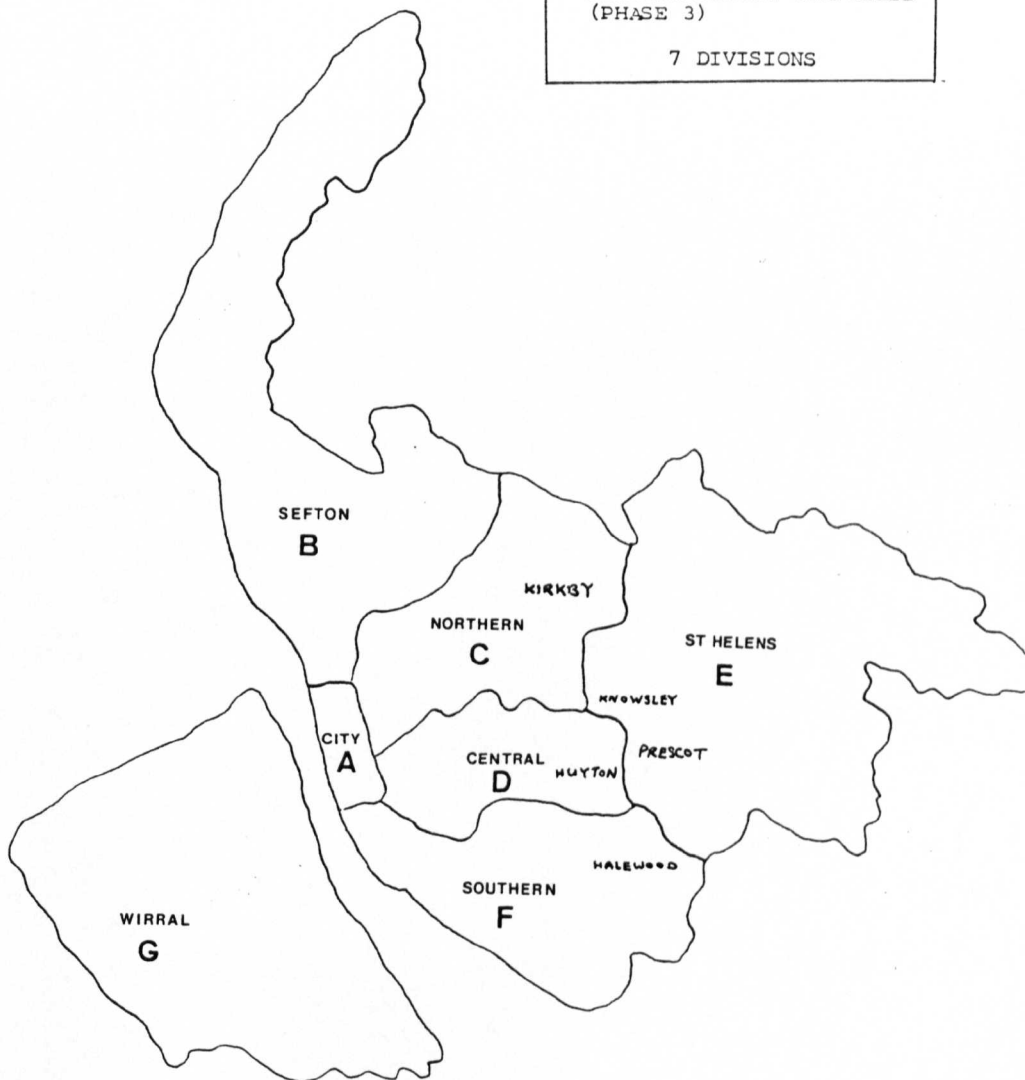


— Divisional Boundaries

MAP 8C

MERSEYSIDE POLICE FORCE  
(1982)  
REORGANISATION COMPLETED  
(PHASE 3)

7 DIVISIONS



— Divisional Boundaries

St. Helens had their own separate forces, whilst Prescott, Kirkby and Huyton areas were part of the Lancashire County Police Force.

With implementation of the statutory provisions for amalgamation of county and borough forces, the structural arrangements of the police forces in the Lancashire County were radically altered. Most borough forces such as St. Helens, Wigan, Warrington and Bolton were amalgamated into the Lancashire County Constabulary. Liverpool was amalgamated with Bootle to form the Liverpool and Bootle Police, and Manchester was amalgamated with Salford and Stockport.<sup>(5)</sup> The Liverpool and Manchester forces maintained their independence from the County Constabulary.

Following the amalgamation of county and borough forces the Lancashire Constabulary was divided into 5 districts each under the command of an Assistant Chief Constable or District Commander.<sup>(6)</sup> (MAP 2). This re-organisation meant, in effect, the reduction of chief constables in the area from 20 down to 3. The power and status of the position of chief constable was thus expanded from the control of thousands to the control of millions of people.

Each district of the new Lancashire Constabulary was then divided up into divisions. St. Helens, Widnes, Huyton, Prescott, Knowsley and Rainford comprised the 'J' Division of District 3; Kirkby became part of 'G' Division, also in District 3. (MAP 3)

Although, as will be seen, this new arrangement only

proved to be temporary, its importance in relation to the centralisation process cannot be underestimated. The reorganisation represented a significant shift in political power; in relation to the police force itself, the reorganisation and amalgamations meant the creation of a police force of regional dimensions with an administrative system that dwarfed previous arrangements. At the headquarters at Hutton, four posts of Assistant Chief Constable were created, with one position designated exclusively for administration.<sup>(7)</sup> Reorganisation, therefore, revealed a significant shift in power marking the early stages in the formation of regional corporate organisation.

The ease with which this reorganisation took place (like so many of the developments in policing in recent years) with little public debate and awareness, is striking. In a letter to the Town Clerk of St. Helens from the Chief Superintendent of the new 'J' Division, we read:

"Many of the changes will go by almost unnoticed by the general public, and where they affect local authorities, their officials and other bodies, I hope the present good understanding and relations with the local police will not be upset." (8)

No formal objection to the reorganisation was made by St. Helens Corporation to the Inquiry into the proposed amalgamation of the 13 Police Authorities at Blackpool, although objections were raised by Barrow, Blackpool, Wigan, Warrington and Southport. In rejecting these applications, the Q.C. presiding over the Inquiry, Mr. D.F. Croom-Johnson, described the amalgamation as



".... an evil, but a necessary evil." (9) A more critical view of the proposed amalgamation was given to the Inquiry by Blackpool Corporation:

"Blackpool said the scheme would endanger the link between local government and the police, would weaken democratic control, provide an unbalanced police authority, and might lead to two upheavals within a few years if another reorganisation resulted from the Royal Commission's findings." (10)

Although St. Helens made no formal objection to the 'Super' police force, (11) Deputy Chief Constable J. Ball described the merger as "a retrograde step" (12) and Councillor A.E. Lycett stated:

"One hopes it will be a better set-up and work out for the best but it is the tendency these days for centralisation, but we seem to be becoming more and more remote from the centre of things." (13)

This criticism was to become increasingly pronounced as centralisation accelerated through the seventies. The new Lancashire force was established with 7,000 police officers covering an area of 1,151,600 acres, (14) which made it the largest provincial force in the country.

Each division of the 5 districts of Lancashire Constabulary was in turn divided into sub-divisions. 'J' Division (later partly reformed into Merseyside Police 'K' Division in 1974) was divided into three sub-divisions based around St. Helens, Widnes and Huyton with each sub-division commanded by a Superintendent.

These processes not only facilitated a further shift in power away from the communities to the police, with the abolition of local watch committees and strengthening

of the powers of chief constables, but also marked a significant movement of power within the police force itself.

The creation of District Commanders was specifically for operational purposes, with the local administration remaining in the hands of Divisional Chief Superintendents. The headquarters of Number 3 District were established at Knowsley Hall, and this coincided with the creation of a mobile task force under the control of a Detective Superintendent, "for service anywhere in the District."<sup>(15)</sup> It will be seen later how this Task Force developed.

Many of the objections which were raised against the new force were not so much concerned with its size, as with the combination of rural and urban police forces.<sup>(16)</sup>

The amalgamations between 1966 and 1969 were viewed as an 'interim' arrangement towards further regional and national centralisation. The amalgamation schemes - introduced by Roy Jenkins who was Home Secretary at the time - sought to reduce the number of forces in England and Wales from 117 to 45 (now 43). The original intention was to implement the amalgamations to coincide with the recommendations of the Maud Commission on Local Government Reorganisation, but Jenkins decided to push ahead before the recommendations were published. As Sparks commented:

"It might have been desirable to postpone amalgamations until after the Maud Commission had reported, but Roy Jenkins felt strongly that rising crime rates and growing traffic problems made reorganisation of the police necessary, even if it meant further reorganisation in a 'few years' time."<sup>(17)</sup>

Whatever Jenkins' intentions with regard to amalgamations, the one singularly most important consequence was the significant reduction of local government control by central government in one legislative move. To significant sections of the police, such as the Police Federation, this was supported as essentially a positive move in the direction of the formation of a national police force.

As Sparks noted:

"But in fact the amalgamations have for practical purposes abolished local control of the police in most parts of the country.... Instead of having their own police forces, most local councils will have only a voice (in some cases, a very small voice) on a Combined Police Authority responsible for the police force of a much larger area. This scarcely provides even the appearance of 'local control' in the traditional sense, let alone substance."(18)

For Sparks, this change was not a 'bad thing' as by all intents and purposes the British police had "increasingly become a national force with the real political controls .... being exercised by the Home Secretary."(19)

Following the publication of the report of the Royal Commission on Local Government in England in 1969, the Local Government Act of 1972 was passed implementing the Commission's recommendations on local government reorganisation. On April 1st 1974 police force boundaries were re-aligned to coincide with new local authority boundaries. The changes marked another further step towards the centralisation of policing, which included the establishment of six Metropolitan Counties, four of which were created in the north of England (MAP 4). This second phase of reorganisation was to again have a radical effect on the Lancashire force. In re-aligning police force

boundaries to coincide with local government boundaries, the Lancashire force was reduced with the creation of two Metropolitan forces within the area. The vast conurbation between Liverpool and Manchester was divided between the new Merseyside and Greater Manchester Constabularies. This, in effect, reduced the Lancashire force to half the size that resulted from the amalgamations of 1969, from 7,000 officers to 2,500.<sup>(20)</sup> However, despite this reduction, the overall effect, with the establishment of the two Metropolitan areas, was to advance the centralisation movement, with the densely populated Liverpool-Manchester conurbation becoming one part or other of two forces. (Notable exceptions to this development being the transfer of Widnes and Warrington Boroughs to the Cheshire Constabulary).

All the districts of the previous 'J' Division of the Number 3 District of Lancashire were transferred as one (with the exception of Widnes and St. Helens) to the new 'K' Division of the Merseyside Police. In addition, the New Town of Kirkby and rural areas of Simonswood were added to the new 'K' Division, the new divisional boundary coinciding with the boundaries of the new Knowsley Borough Council under the Merseyside County Council (MAP 5).

The Lancashire Force was vocal in its objection to realignment with local government. As Jack Watson,<sup>(21)</sup> Chief Superintendent of St. Helens Division stated prior to his transfer to 'K' Division:

"The new boundaries don't take account of police requirements - they're more for local government management."<sup>(22)</sup>

The Editorial of the Police Federation Journal equally expressed objection to re-alignment with local government boundaries:

"Unless the police service mounts a united front against them, the Government's intentions to alter police boundaries to coincide with the reorganisation of local government represents a serious threat to future efficiency." (23)

The Police Federation were not in principle against regional centralisation, but the particular direction it took:

"To us, the argument that police boundaries and local government units must coincide is untenable. Boundaries are of major significance to local government, not the police." (24)

Indeed, the relative increase in power to the police which centralisation would achieve, was clearly recognised, not least by the editors of 'Police' Journal:

"It would be foolish to pretend that there is not a case for the Metropolitan forces. Each area is closely knit, heavily populated and it would be fairly simple to create efficient police units for each." (25)

The Police Federation's objection to re-alignment with local government boundaries centred on the recommendations of the Redcliffe-Maud Report on Local Government re-organisation. Redcliffe-Maud "looked at the police purely from a local government viewpoint" (26) and did not take into account policing needs. This reaction was essentially a reflection of the Federation's desire to diminish local government influence in policing matters and strengthen its determination to seek the establishment of regional and eventually a national police force. (27) In effect, however, as the new arrangements were implemented, the police force considerably strengthened its

political autonomy, and following the 1974 reorganisations, further consolidated its increasing autonomy from local influence. As one dissenter from the Federation line commented:

"Unfortunately, the temporary solutions of the Home Office made within the confines of the Police Act 1964, could not be treated as the basis for new local government units. Particularly from the socio-economic criteria, the existing (pre-1974) police force boundaries are somewhat clumsy."(28)

This view reflected the basic position of the Redcliffe-Maud Report:

"Our survey of England convinced us that over the country as a whole the 41 new police areas are neither appropriate areas for the operation of the other main local government services nor coherent socio-geographic units."(29)

A closer alignment of police organisation with the reorganised boundaries of local government was therefore seen by the Royal Commission as essential to the maintenance of structural cohesion within the State.

With the metamorphosis of the short lived 'J' Division of the Lancashire Constabulary into the 'K' Division of the Merseyside Police following the creation of Knowsley Borough, the policing of large areas of working class estates on the outer edge of Liverpool city was undertaken by one police division. Areas with large middle class residential belts such as Eccleston, Rainhill and Windle which were previously under the Lancashire 'J' Division, were joined with St.Helens area to form Merseyside Police 'L' Division adjacent to 'K' Division.

Right from its inception, 'K' Division was given particular attention by the Chief Constable (then Haughton) and the newly formed combined Police Authority. Two months prior to the date on which 'K' Division officially became operational, the Police Committee called for the submission of a report on 'K' Division to be submitted three months from the date on which the new Force became operational.<sup>(30)</sup> The subsequent report<sup>(31)</sup> concerned itself primarily with the manpower and strength of the Division. Within three months, from its inception, the uniformed strength of the Division was increased by 1 chief inspector, 3 inspectors and 7 constables<sup>(32)</sup> (see Table I). Whilst manpower at that time was below the official establishment,<sup>(33)</sup> it was a lower figure than the force average for establishment deficiency.<sup>(34)</sup>

The only reference in the report that related to law enforcement policy concerned crime statistics:

"In the first two months of operation the division had the third from highest figure for recorded crime and the detection rate was 45.6% as against the force average of 36.5%. (35)

From this extremely vague statement, the Chief Constable concluded that: "These figures indicate that the Division has a high crime rate but is coping with it well."<sup>(36)</sup> A careful examination of the report fails to reveal "these figures" (i.e. the figures for recorded crime) although a rather strange composition does appear in the earlier report of the Chief Constable (Designate) made prior to reorganisation.<sup>(37)</sup> This ambiguous composition was constructed by re-arranging and grafting

TABLE I

'K' DIVISION

UNIFORM PERSONNEL (April - Aug. 1974)

<u>Ch. Supt.</u>	<u>Supt.</u>	<u>Chief Insp.</u>	<u>Insp.</u>	<u>Sgt.</u>	<u>Con.</u>	<u>Total</u>
------------------	--------------	--------------------	--------------	-------------	-------------	--------------

Establishment (Male)

I	3	5	I4	29	203	255
---	---	---	----	----	-----	-----

Strength on 1st. April, 1974.

I	3	4	II	3I	I70	220
---	---	---	----	----	-----	-----

Strength on 6th. August, 1974.

I	3	5	I4	30	I77	230
---	---	---	----	----	-----	-----

---

Force recruitment from I.4.74.	-	38 males and I5 females
Losses from I.4.74.	-	54 males and II females

Recruits posted to 'K' Div. from I.4.74.	-	9 males and no females
Losses in 'K' Div. from I.4.74.	-	4 males and I female

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Reproduced from:

Establishment and Strength 'K' Division  
(POL 63/74) Report of the Chief Constable  
6th. August, 1974.



figures for reported crime in 1972 onto a map of the new Merseyside Metropolitan District Boundaries which came into being in 1974. However, even if we take 'K' Division as District 'D' (being the same area) it could be interpreted that the area in fact had the second lowest crime rate of all the Metropolitan Districts. (33)

However, whether the crime rate in the Knowsley area, based upon these ambiguous statistics, was the second lowest or 'third from highest' crime rate on Merseyside is a matter of conjecture. The crucial point is that the new Division was immediately defined upon its establishment by the Chief Constable as a 'high crime' area requiring particular attention. We will examine later the ideological foundation of these definitions and their translation into the enforcement policy for the Division.

#### Corporate Management

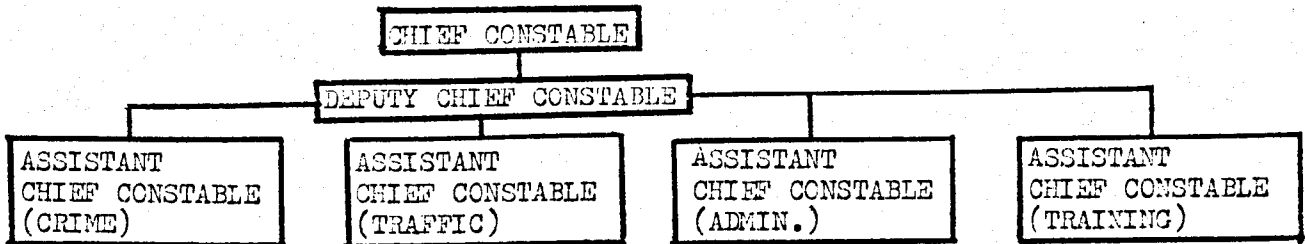
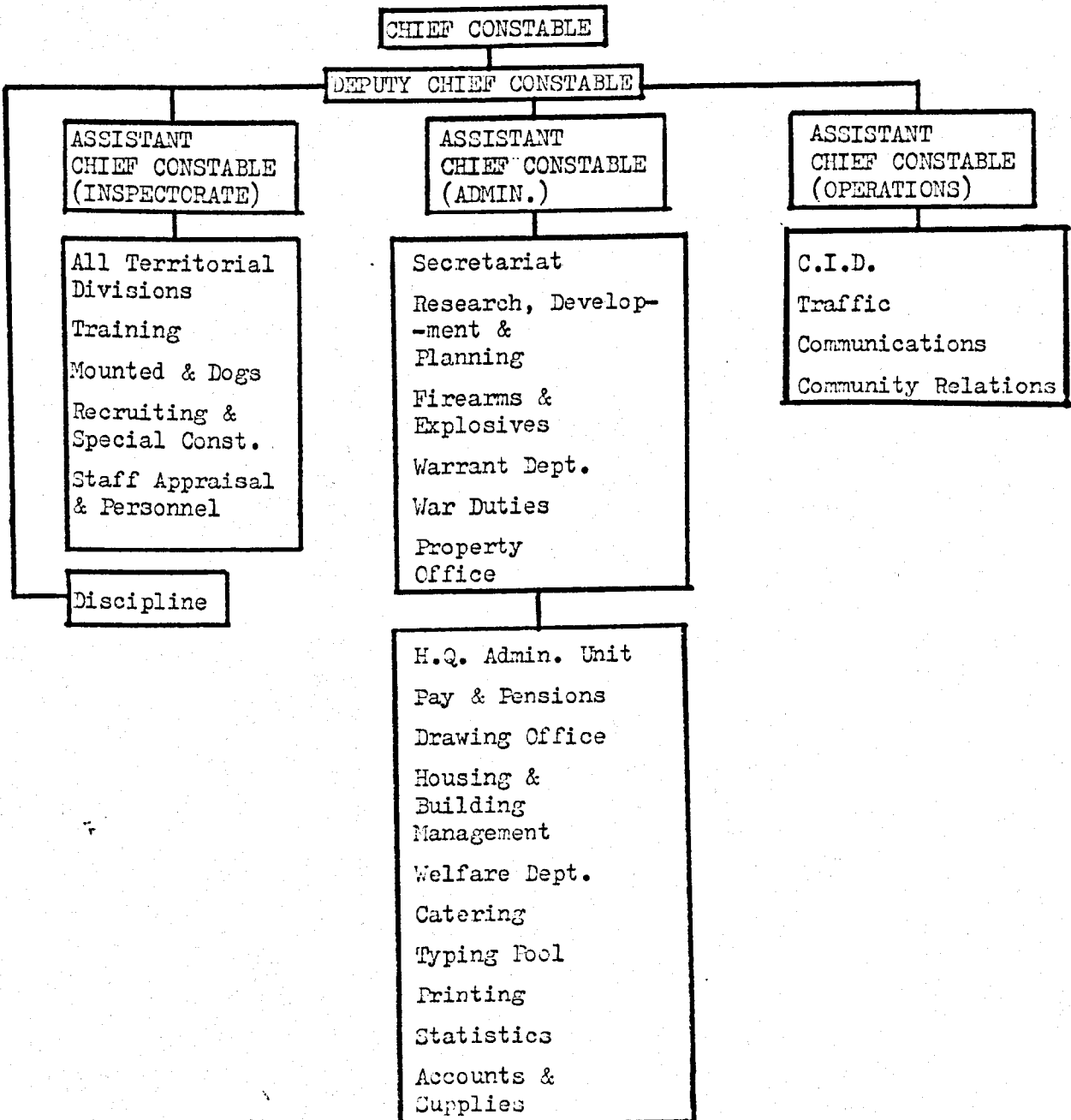
The creation of Merseyside Police meant an extensive expansion of political power and administration in terms of police organisation within the new Merseyside area. Run by a small rightly knit executive comprised of 3 assistant chief constables, a deputy chief constable and the chief constable with overall command, the Merseyside force on its establishment commanded a level of power and authority far greater than any previous police force arrangement within the area. As part of the wider tendency towards national centralisation of policing with the re-organisations of 1974, the basis had been laid for the corporate national organisation of chief constables and

their regional forces - the Association of Chief Police Officers - to coordinate a national police force. Chief Constables now occupied a corporate national executive position in ACPO as well as command of regional-size forces.

At divisional level, following the reorganisations of 1974, chief superintendents now occupied positions at a level previously occupied by chief constables; the power and status of the position of chief constable assumed a new dimension. This remarkable shift in power can be illustrated if the power structure of the Lancashire Constabulary prior to the 1974 reorganisation is compared with that of the Merseyside force created after the reorganisation, remembering that a sizeable chunk of the new Merseyside force had previously been under Lancashire. (Table 2)

For example, in Table 2 we see that with the Merseyside force, Training and Traffic are subsumed within larger departments headed by an assistant chief constable (Inspectorate) and an assistant chief constable (Operations) respectively; the Training and Traffic sections being managed by a superintendent and chief superintendent respectively. However, it must not be assumed that the rank of chief superintendent has become of little consequence; the position, it must be remembered, affords a post of significant power that ranks with the position of Chief Constable prior to reorganisation. The crucial point is that centralisation, in the context of corporate management, created new heights of political power within the police.

TABLE 2.

HEADQUARTERS STRUCTURE(1) LANCASHIRE CONSTABULARY (1969)(2) MERSEYSIDE POLICE (1974)

Sources: (1) Chief Superintendent (St.Helens Div.) letter to Town Clerk 26/3/69

(2) The Report of the Chief Constable(Designate) to the  
Police Committee of the Merseyside C.C.

With this expansion of the police power structure and the creation of Forces of regional dimensions in 1974, the civilian administration was expanded "to cope with increased centralised functions."<sup>(39)</sup> Moreover, not only were additional civilian staff employed but, as in the case of the new Merseyside Force, ".... all posts in Divisional administration, including that of the officers in charge, will eventually be filled by civilian staff."<sup>(40)</sup> Using police figures from the Report of the Chief Constable Designate, this would have eventually led to an increase of 51 operational police officers for the Merseyside Force. Hypothetically this would have meant an increase of 1 chief inspector for 5 of the 12 Divisions and an average increase of 1 sergeant and 3 constables per Division. With 545 administrative and clerical personnel on establishment in 1974,<sup>(41)</sup> the replacement of police officers in Divisional administration would have increased the civilian establishment by 8.5%. However, although this was the objective, a later report by the Chief Constable on the civilian establishment of 'K' and 'L' Divisions revealed that both Divisions still retained their Divisional administration police officers, four apiece and including one Chief Inspector each. In this report (1975), the Chief Constable stated that the officers were to remain in these posts. The report states:

"The civilian authorised establishment of 'K' Division is 23. This figure includes 4 posts which are occupied by police officers and it is not proposed that these should be civilianised at present. On 1st April 1974, 27 civilians who were performing duties at the five police stations in 'K' Division were transferred to Merseyside Police and during the ensuing period this number has been found to be essential for the efficient running of the Division which contains not only the Divisional

Police Officers and Civilian Employees (England and Wales)

(Source: Social Trends 1980 and 1984)

	<u>POLICE OFFICERS</u>	<u>CIVILIANS</u>
1951	62,000	4,500
1961	75,800	11,800
1966	86,900	18,200
1971	97,300	28,100
1976	109,500	34,600
1977	108,200	34,100
1978	109,100	35,000
1979	113,300	35,800
1980	117,300	37,700
1981	119,500	37,700
1982	120,900	37,700

"The advance in technology has only served to closet personnel more tightly and securely within the corridors of power, and from which, once in, they seldom emerge. After all, how many scientific and technical aids really prevent crime? In the majority of cases they only come into effect after a crime has been committed. Civilianisation was to release men for street duty - it has only created huge empires which now exist to house them all. Where have the beat men gone?"

Police Review 1975, quoted in N.J. Braslavsky, 'Towards the idea of community policing - a note' in HOLDSWORTH LAW REVIEW VOL.6 Spring 1981 No.1.

Headquarters at Knowsley, but very busy sub-divisions with Courts at Huyton and Kirkby where some of the civilian staff are employed." (42)

On the basis of this statement, the Chief Constable recommended the recruitment of 8 more civilians for the administration of 'K' Division (increasing the civilian establishment there by 42%) and 2 for 'L' Division. (43) Coupled with the increase in the strength of uniformed personnel, "receiving a generous allocation of the recruits available" (44) 'K' Division was becoming a successful subsidiary within the Corporate organisation of Merseyside Police.

With the headquarters of 'K' Division established at Knowsley Hall in the private estate of Lord Derby (better known as Knowsley Safari Park), sub-divisional stations were allocated to Huyton, Kirkby and Halewood. Out of a Divisional total of 272 police officers, 138 were attached to Huyton, 72 to Kirkby, 43 to Halewood and 19 at Knowsley Hall. (See Fig. I). However these figures, based on the operational command structure of 'K' Division as shown in the Report of the Chief Constable Designate, failed to include the 52 police officers of the Northern Task Force based at Knowsley Hall and whose mobile patrols included 'K' Division. The fact that Knowsley Hall housed both the headquarters of 'K' Division and the Northern Task Force meant the establishment of a relatively large, centralised centre of political, administrative and operational power within the Merseyside Force. Indeed, the very fact that the new Division required the rental of a Stately Hall to accommodate its headquarters actually

'K' DIVISION: OPERATIONAL COMMAND STRUCTURE

I Chief Superintendent

I Superintendent (Deputy)

Divisional Administration

I Chief Inspector

I Sergeant

2 Constables

C.I.D. Administration

I Superintendent

I Sergeant

I Constable

Collator

2 Sergeants

Crime Prevention

I Sergeant

Prosecutions Department

I Chief Inspector

I Sergeant

I Constable

H.Q. Total:19Scenes of Crime

2 Constables

Divisional Total:272Drugs Squad

I Sergeant

Training Officer

I Sergeant

Huyton Sub-division

I Superintendent

I Chief Inspector

<u>Uniform</u>	<u>C.I.D.</u>	<u>P.W.</u>
5 Insps	I Ch.Insp	
I2 Sgts	4 Sgts	I Sgt
90 Cons	*I2 Cons	7 Cons
	I P.W.Con	

Dog Handlers

3 Cons

Sub-divisional Total:138

(\*inc. I Con on Special Branch Duties)

Kirkby Sub-division

I Superintendent

I Chief Inspector

<u>Uniform</u>	<u>C.I.D.</u>	<u>P.W.</u>
4 Insps	I Ch.Insp	
7 Sgts	2 Sgts	I Sgt
4I Cons	8 Cons	6 Cons

Sub-divisional Total:72Halewood Sub-division

I Chief Inspector

<u>Uniform</u>	<u>C.I.D.</u>	<u>P.W.</u>
I Insp		
4 Sgts	I Sgt	
30 Cons	4 Cons	2 Cons

Sub-divisional Total:43

Source: The Report of the Chief Constable(Designate) to the Police Committee of the Merseyside C.C.

underlines this point, especially when the Chief Constable at the time stated that there was ".... no other premises in that division suitable for the purpose without substantial alterations." (45)

### Reproductive Capital (46)

The reorganisations which followed the Police Act 1964 strengthened the power of the Chief Constable in facilitating a greater exercise of political power over the management and control of policing.

Centralisation may have strengthened the power of the police, but this centralisation could only be achieved, in this context, on the basis of an expansion in the accumulation and concentration of reproductive capital financed by the local and central state. We see here the centralising character of capital extending to the political relations of the state: The new Merseyside Force assumed corporate dimensions characteristic of private capital. (47) Moreover, this relation was clearly expressed in the planning, investment and organisation of the new Force. In 1977, three years following the creation of the Merseyside Police, a private firm of 'management consultants' (48) was employed to report and make recommendations for further reorganisation within the Merseyside Force. (49) The final report of the company - 'F.A. Management Consultants Limited' - was approved by the Police Committee in April 1978. (50)

When the Chief Constable Designate presented his report on the establishment of the Force in 1974, a



significant part of the report was concerned with plans for a major 'capital building programme'.<sup>(51)</sup> By far the most expensive item on the inventory was the proposed building of a new "purpose built"<sup>(52)</sup> headquarters at a cost of £5,293,300.<sup>(53)</sup> This, according to the Chief Constable, was the most pressing priority<sup>(54)</sup> and, in effect, amounted to nearly half the £10,545,290 estimated cost of the capital building programme.

The 'interim' headquarters of the new Merseyside Force was established in the Building of the headquarters of the previous Liverpool and Bootle Constabulary in Hope Street. According to the Chief Constable at the time, the headquarters was already 'totally inadequate' for the previous Liverpool and Bootle police, with the new Force aggravating the situation still further.<sup>(55)</sup> In other words the demands of reorganisation for a rapid expansion of the bureaucracy required a 'purpose built accommodation'. The immediate problem was, however, that the new premises had yet to be built<sup>(56)</sup> to accommodate this expanding empire. According to the Chief Constable:

"... The best solution would appear to be to use the building for as many elements as it will accommodate and seek other temporary accommodation." <sup>(57)</sup>

The expansion of Divisional Headquarters such as 'D' and 'E' Divisions for additional office accommodation, and Knowsley Hall with its 'ample' accommodation provided some temporary accommodation. However, the Chief Constable described this as a 'policy of decentralising headquarters administrative functions'.<sup>(58)</sup> Considering

that the new Force at this conjuncture had not officially come into existence, there is no detail given in the Chief Constable Designate's report of this 'policy' of decentralisation. Indeed the statement contradicted the Chief Constable's earlier statement from the same report concerning the need "to appoint additional staff to cope with increased centralised functions."

### Command and Control

Merseyside Police was established in the mid-seventies as a corporate organisation. Launched by its capital investment programme with local and central government funding, it had become by 1984 fully modernised with sophisticated computerised systems of administration, communication and information processing. The introduction of new technology into radio communication systems created, in addition to the overall Force radio network, direct communications between patrols and sub-divisional, divisional and Force headquarters. (59)

Further expansion in reproductive capital occurred in the late 1970's and early 1980's to coincide with further centralisation in the divisional structure of the Force, reducing the number of territorial divisions from eleven to seven. (60) This additional reorganisation was combined with a 'complex computer and technological programme', (61) which included the creation of a highly centralised and fully computerised 'command and control system', at a cost of £2 million. (62) and scheduled to have become fully operational by August 1984. (63) As well as providing the Merseyside Police Force Control Room with a most extensive

Merseyside Police - Computerisation

Provisional Time-scale (Revised November 1978)

November 1978	Drafting Operational Requirement and Command and Control Functional Specification. Prepare for Design Study. Issue first draft of Operational Requirement.
December 1978	Commence Design Study. Refine Operational Requirement. Continue Command and Control Specification.
January 1979	Continue refining Operational Requirement. Continue Command and Control Specification. Issue Design Study Report.
February 1979	Consider Design Study Report. Amend Operational Requirement accordingly. First issue of Command and Control Specification. Compile list of possible suppliers. Prepare covering documents.
March 1979	Issue Operational Requirement and Command and Control Specification.
March, April, May 1979	Discussions with suppliers. Exchange memoranda to clarify details.
June 1979	Invite tenders. Receive tenders. Evaluate tenders.
July 1979	Continue evaluation of tenders.
August 1979	Select supplier. Finalise contractual details.
January 1980	Command and Control Functional Specification frozen.
June 1980	Police National Computer interface Functional Specification issued.
June 1981	Command and Control handover.
June 1981 - June 1982	Prepare Crime Functional Specification with suppliers.
June 1982	Crime Systems Functional Specification Frozen. Issue of Functional Specification to suppliers and invite tenders.
April 1984	Go Live-Phase 1-Crime
June 1984	Go Live-Phase 2-Crime
August 1984	Go Live-Phase 3-Crime

and powerful apparatus of information gathering and processing, the computerised Command and Control system has also facilitated the extension of centralised control over operations. For example, 'a number' of incident vehicles were allocated to each of the divisions within the Force. These 'incident vehicles' and other 'resources' on the UHF band came under the direction and control of a specially appointed Chief Superintendent (Communications) based at the Force Control Room.<sup>(64)</sup> Overall direction of the Force Control Room rested with the Assistant Chief Constable (Operations).

This centralisation of communication systems away from local divisional and sub-divisional levels strengthened further the corporate organisation of the Force and the political power of its corporate management. This process of centralisation, ultimately towards the formation of a corporate national police force, has increasingly made redundant the notion of policing as a local authority service. A schedule in the Chief Constable's Report on reorganisation and computerisation in 1979 emphasised this movement.

"The police dedicated computers will not be linked to Local Authority systems." <sup>(65)</sup>

The link-up of Merseyside Police to the Police National Computer<sup>(66)</sup> further illustrates the centralisation of policing towards national corporate organisation. In 1984, the year in which Merseyside's Command and Control system became operational, another 'Command and Control System' coordinating regional forces, became operational at national level - the National Reporting Centre.

When the NRC became operational during the miners' strike, a corporate national force was further consolidated through this step into the field of operations.

This combination of a nationally centralised communications system (the PNC) and the establishment of an operations headquarters (NRC) under the control of the self-appointed Association of Chief Police Officers (ACPO) created the basic framework for a national police force with political autonomy from both local and central government. (67)

The movement towards a national centralised police force has created new heights of political power for the police which have broken through the historical barriers of the local state. Indeed this has been a characteristic feature of centralisation under capitalism in general. The centralised power of multi-national capitalist corporations over individual nation-states is well known. As Mandel has argued:

"... The international centralisation of capital must be understood as capital's attempt to break through the historical barriers of the nation-state." (68)

Centralisation within capitalist production completes the work of accumulation by enabling capitalists to extend the scale of their operations. The analysis similarly applies in the extension of the scale of operations that has been a characteristic of the corporate centralisation of police forces at regional and national levels. Moreover, the development of corporate-military command and control systems has consolidated corporate control over operations and law enforcement policy. These movements

have formed major components in the development of reactive and pre-emptive policing; however, whilst policing strategies at one level may be related to developments in reproductive forces, they are also determined by the character of social conditions and class relations within police areas, and the prioritised law enforcement policies drawn up by senior police command.

2) 'K' DIVISION: IDEOLOGY AND LAW ENFORCEMENT POLICY

When the Merseyside Force came into being in April 1974, involving a radical restructuring and centralisation of political and administrative power within the police, policy formation and management acquired more of a Board-room character and a more clearly defined bureaucratic corporate structure. The report of the Chief Constable Designate at the time of reorganisation clearly defines operation and policy in terms of police management and control. The only aspects of the report that the Chief Constable thought in need of Police Authority ratification concerned mainly fiscal items such as the employment of civilian staff by the Police Committee and the Capital Building Programme.

i) 'Community' Relations

"It is intended to continue any local arrangements which are in being, but for the sake of uniformity it is proposed to make the sub-divisional commanders primarily responsible for Community Relations in their areas and to coordinate their efforts through a central office to be entitled 'The Youth and Community Branch.'" (69)

The statement above comprises the substance of the short section on 'community relations' in the report.

It is quite clear that the policing of youth figured as a priority policy issue for the new force. As we shall see later in more detail, policing the youth of Kirkby and other parts of 'K' Division was a prioritised policing task for the area. Indeed, only a few weeks after re-organisation (April 1974) a 'large-scale' disorder broke out in Kirkby involving over 200 young people; "...special police reinforcements consisting of the dog and mounted sections had to be called in to re-establish order..."(70)

Part of the work of the Youth and Community Branch in the 1970's stemmed from the original 'Youth and Community Programme' introduced in 1970 by Haughton when he was Chief Constable of the Liverpool and Bootle Constabulary. The programme emphasised 'liaison with Community based organisations, such as neighbourhood councils, tenants' bodies and other similar associations.'(71) It is important to note that even a token consideration of any form of liaison with youth themselves was totally absent; moreover it was moves such as this that formed the groundwork for the later development of so-called 'community policing'. The ideological importance of this policing strategy, apart from the material it provides for the bourgeois press to articulate some counter-action to offset the negative effects of coercive forms of policing, is that it provides a means of formulating some vestige of legitimacy for a pervasive means of surveillance and control of the working class communities. The dividing line between communication with the community and surveillance of the community is a tenuous one; as the Youth and Community Branch programme stated in September 1976:

"... although these organisations are not always truly representative of the community, they nonetheless provide valuable means by which it is possible for the police to communicate with large numbers of people." (72)

Despite the 'community-based' appearance of the programme, the entire structure of the department was controlled by the police; the 'Community Liaison Officers' being simply the commanders of each Division and superintendents of each sub-division. The programme was coordinated by the Community Relations/J.L.C. Department, described as an 'ancillary department' in the report of the Chief Constable Designate. In the Youth and Community Programme it went under the name of 'Advisory Committee on Youth and Community Relations'. (73)

Thus a significant part of the initial policy for the Merseyside Force on its establishment was directed towards redefining relations with communities on a more systematic, structured and managerial level.

Given the reorganisations of 1966-69 and 1974, the creation of constabularies with corporate characteristics, the shift in emphasis from labour intensive to capital intensive forms of operation and the increased centralisation of political power and administration in the structure of police forces beyond the confines of the local state, local relations between police and communities became significantly weakened in varying degrees. Against a background of other deteriorating social conditions, the post-war consensual imagery of British policing increasingly assumed a contradictory position to the developments in policing which came to the foreground



in the 1970's. In terms of the maintenance of legitimacy and the management of law enforcement, police forces have increasingly come to rely on their public relations industry to offset some of the negative consequences of these developments.

Whilst policing is a basic relation of coercion, the relation has assumed a variety of historical forms, and a key feature of British policing has been the extent to which it has relied on traditional popular ideological conceptions of law and order in exercising power. Developments in the late 1960's and 1970's significantly eroded police hegemony and subsequently police chiefs began to develop new strategies in 'public relations'. Thus the 1970's saw the rise of the media-conscious chief constables expounding and orchestrating 'law and order' ideologies. The subsequent growth in the police-public relations industry represented an attempt to counteract the effect of new developments on local relations. In 1978, Merseyside's Chief Constable, Mr. Kenneth Oxford, launched a 'major campaign' against crime and vandalism. Entitled: "Into the Eighties with Pride", the strategy, not unlike most law and order strategies, sought to reinforce dominant ideologies concerned with 'rising crime' and its solution via more police powers. The particular specification of 'vandalism' in this campaign effectively represented the ideological reference point of a more general law enforcement policy directed towards legitimating the coercive policing of an increasingly disaffected youth.

(ii) Law Enforcement Policies

During the 1970's 'vandalism' emerged as a prioritised policy of law enforcement in the Merseyside area. In 'K' Division, and particularly Kirkby Newtown, the policing of vandalism became a central politic in the development of police relations with other state agencies, the media, and with the policing of youth. As the Chief Constable commented in 1976:

"With regard to the high rate of crime and vandalism committed by juveniles in the town it is considered that the present policy whereby Juvenile Liaison Officers forge a close working relationship with headmasters, teachers and social workers provides the right approach and that it should be continued." (74)

The establishment of 'vandal and crime patrols' (75) inevitably increased existing antagonistic relations between working class youth and the police. The development of policing strategies in 'K' Division to deal with vandalism expressed specific ideological conceptions of the causes of vandalism. The problem was defined in terms of

"... sheer apathy on the part of so many selfish or thoughtless parents, who make no effort to exercise control over the movements of their children." (76)

This 'objective assessment' according to a former Chief Superintendent of 'K' Division - Norman Chapple - and contained in a police study of Kirkby written in 1975 just prior to his appointment to the position of Chief Superintendent must, he argues, "... be placed high on the list of causative factors." (77) However, despite the Report's reactionary conclusions and the extent to which such ideology has had a bearing on the formulation and



Waiting for demolition:  
Some of the three-storey (low-  
rise flats of Kirkby.



A cryptic message ....



.... The writing on the wall.

implementation of policing policy in 'K' Division, the Report does make some attempt to examine the object of vandalism in a more serious manner than the usual rhetoric of the law and order mandarins. For example, the case of the almost systematic destruction of specific types of council flats in Kirkby by juveniles was examined. These flats, of the three-storey (low rise) type built by the council, are a standing example of the kind of jerry-built accommodation into which many of the post-war inner city working class in Liverpool have been dumped. Chapple records a 25% turnover of these flats per year compared with a figure of 13.5% for high-rise and mid-rise flats. The three storey low-rise flats account for 24% of all dwellings in Kirkby. (78)

The destruction of these flats by juveniles illustrates the fact that 'vandalism' is not necessarily 'mindless'. The flats are far too small for many of the families living in them, thus creating intolerable conditions of overcrowding. Walls between flats are paper-thin with very little sound insulation - which can often create friction between neighbours. For some youth in Kirkby the only effective solution is to destroy them as they become vacant. For Chapple, however, the main cause of friction between neighbours living in such conditions was defined in terms of social inadequacy on the part of the people themselves:

"... there is little doubt that a great deal of noisy annoyance is caused by anti-social neighbours who do not take into account the feelings of others."  
(79)

What we have here in a nutshell exemplifies the process whereby the intolerable living conditions of the working class are defined as a problem created by the working class itself. To recognise the real causes as arising from social conditions determined by the form of social relations in Kirkby would undermine the very role of the police in actually reproducing such relations along with other state agencies. The role of 'anti-vandal' patrols in the disciplining of working class youth represents more of a wider public order strategy than simply an attempt to reduce vandalism.

According to writers such as Mawby, who analyse policing largely through the prism of police statistics, differences in crime statistics between residential areas are not the result of 'differential policing' but are largely a result of public reporting.<sup>(30)</sup> This position, based on the premise that 'the day-to-day life of the average policeman is oriented towards the control of crime',<sup>(31)</sup> evades the wider public order role of policing in Britain and leads to the rather dubious conclusion that "citizens exercise considerable control over police patrol work through their discretionary decisions to call the police."<sup>(32)</sup> In this assumption lies a failure to comprehend the fact that 'crime control' is only one aspect of the more fundamental public order role of the police, and moreover, a public order role defined by the particular character of class relations.

If we examine the statistics of Merseyside Police on criminal damage per division:

Criminal Damage over £20 - 1980

<u>Division</u>	<u>1980</u>	<u>%</u>
A	579	14.6
B	502	11.7
C	514	12.1
D	105	3.9
E	208	8.0
G	417	16.1
J	452	17.5
K	273	10.7
L	223	8.8
<hr/>		
FORCE	2581	

Based on Merseyside Police -  
Return of Crime - Recorded Crime  
1980/1981. (POL/67/81).

we see that as far as 'K' Division is concerned, the figure is not particularly significant; even when compared with 'L' Division, which has roughly the same size population, there is little difference. (In fact figures for 1981 show a higher rate for 'L' Division than 'K' Division). If we take Mawby's use of public reporting as an index of 'police work' then the public of Knowsley record vandalism as a problem of less significance than the Force average. However, for the police, as previously shown, Kirkby was defined as an area meriting particular attention for the control of vandalism. Therefore, the day-to-day life of the 'average' policeman in Kirkby was directed towards a problem defined by the police as serious rather than by the Kirkby people; moreover, this crucial point indicates a policy directed towards a wider orientation than 'the control of crime' - in the same way that the vandalism of the three-storey low-rise flats as discussed above, was but one effect of the more fundamental to the Kirkby working class of the three-storey low-rise flat itself.

For Chapple, the policing of vandalism became one concrete strategy in dealing with a more fundamental police problem:

"In addition to the undeniable fact that far more crime is committed than is reported, is the fact that Kirkby, for various reasons, presents a 'special' police problem. A much larger than average proportion of the population falls within the age range (10 years to 30 years) which is most responsible for generating police-work and even this situation is aggravated by an unusually aggressive anti-police attitude among large sections of the community." (83)

The task for the Kirkby police then was not just simply the 'control of crime', so much as control of the Kirkby working class:

"... a great many Kirkby children are receiving a very incomplete education indeed (truancy) and, in consequence, are forming at an early age some extremely anti-authoritarian and anti-social habits which are likely to be passed on from generation to generation unless some very firm and concerted action is taken on a variety of fronts." (84)

The enforcement of such disciplinarian, bourgeois ideology on working class communities such as that of Kirkby has been an exercise in political control of an impoverished community facing ever-growing mass unemployment. It has meant for many youth the experience of harassment on the streets by the police, and also the regular invasion of the privacy of homes by social workers, juvenile liaison officers, education welfare officers, probation officers and other such forms of policing.

As writers such as Stinchcombe<sup>(85)</sup> and Mawby have argued, "since more lower class activity took place on the streets, more lower class behaviour was open to scrutiny," and therefore, "The lower class appear more

frequently in public statistics because their activities are more open to surveillance." (86) For many working class children and adolescents it is the street which provides a focal point for recreation. Kirkby has a disproportionately higher child population compared with the U.K. average.

50% of the population of Kirkby are under the age of 15. (87) It is therefore not surprising that with such a disproportionately greater number of children and young people out on the streets in a grossly overcrowded environment, 'vandalism' has a high visibility. As a prioritised law enforcement policy the development of 'anti-vandal' patrols reflected reactionary ideological explanations of the causes of juvenile delinquency. These were, as the Chapple Report illustrates, based upon notions of parents abrogating their responsibilities and allowing their children to roam the streets unsupervised. The fact that street life has traditionally been part of working class culture is ignored.

For Chapple the first priority was to discipline the Kirkby working class and particularly its children. They were seen as a threat to 'authority' requiring some very firm and concerted action on a variety of fronts. (88) In other words, if the parents refused to exercise authority over their children then it was the task of the Kirkby police to do so. The parents of Kirkby ...

"... must accept a large part of the blame for the misconduct of the younger generation and hence, their own squalid environment." (89)

This ideological sleight of hand obscures the essential fact that the 'squalid environment' is an endemic characteristic of the town. Alienation was built in with



the bricks and mortar of the town. The vandalism began with the wholesale destruction of the inner city working class communities and their re-location in new town ghettos in conditions of enforced misery. The misery and the 'squalid environment' which perpetuates it has been the outcome of local and central government policies, as opposed to any perceived irresponsibility on the part of Kirkby parents.

Chapple further argued in his report:

"... there is now general agreement among social scientists and criminologists that family environment is one of the most critical factors in the development of the anti-social and criminal mind..."  
(90)

Working class culture in Kirkby was presented as the cause of criminality. Many Kirkby families were seen to have 'the wrong priorities'; their homes were 'unclean and disorderly'; they have 'a lack of ambition'. All are 'Factors' which Chapple attributes to 'a lack of organizing ability' and 'downright laziness'. (91)

The reactionary ideology which formed the basis of Chapple's report, was at the time of its publication in 1975 a reflection of the broader characteristics and ideologies underlying the 'law and order' crusades orchestrated by chief constables, the media and the Conservative Party, which began in the early 1970's, crystallized in the election of a Conservative government in 1979 and became consolidated in the 1980's. Each stage in increasing use of coercive force has been ideologically justified on the grounds of the need to re-assert 'traditional' values and maintain 'law and order'.

In attempting to discipline the working class, policing in Kirkby during the 1970's represented an attempt to assert bourgeois authority on Kirkby working class families. 'Abrogation' of parental responsibility was seen by Chapple in, for example, the fact that...

"... physical punishment does not play a very conspicuous part in family relationships."(92)

The various instances of community solidarity which have arisen in confronting officialdom have repeatedly illustrated the determination of Kirkby people to collectively struggle for survival against external authority:

"Even if an offender is on his own at the time of apprehension the Kirkby policeman is faced with the likelihood that local people will form a hostile band with the sole intention of preventing the offender's arrest. It has been known, for instance, for housewives in one big store to cause a large scale disturbance when an officer has been attempting to arrest a juvenile shop-lifter."(93)

Whilst the Chapple Report was illustrated with figures relating to the socio-economic problems faced by the working class of Kirkby New Town, the recommendations and conclusions of the Report, in contradiction to its own empirical evidence, situated solutions to the poverty and deprivation ultimately within terms of coercing the Kirkby working class into passive acceptance of its deteriorating social condition.. Reactionary ideology displaces the socio-economic contradictions of capitalism by apportioning the cause of such conditions to the working class itself.

These conclusions and recommendations, designed to deal with Kirkby's 'high proportion of irresponsible or manifestly anti-social residents' reflect specific reaction-

ary assumptions rather than socio-economic criteria. Despite the numerous statistics of socio-economic hardship which he presented, Chapple locates the social problems of Kirkby with residents who had done "little or nothing to improve the local image."<sup>(94)</sup> It is within this form of expression that such ideologies based upon general themes of lazy and unruly working class communities are perpetuated. Notions such as 'parental irresponsibility' legitimize reactionary law enforcement policies and obscure the 'irresponsibility' of maintaining a social system which feeds off poverty and deprivation to reproduce itself.

For Chapple, by definition a 'problem family' was necessarily anti-social. One section of his Report dealt with "problem families and other anti-social neighbours", providing the reader with a 'who's who' of the undisciplined sections of the Kirkby community. These included mental retardation, delinquents, single parent families, unusually large families and alcoholism. Having identified the 'anti-social elements' Chapple noted with satisfaction that the social services were tackling the problem by exercising "great care ... in ensuring the allocation of problem families to properties where they are unlikely to be able to interfere with other families."<sup>(95)</sup>

This is effectively a policy of containment of social problems rather than solution and represents but one step in the familiar process of class control which ultimately concludes with incarceration. Conditions of poverty and deprivation are maintained within the working class and policed in varying degrees by the state to reproduce the structured inequalities of capitalist production and

distribution of wealth. The social isolation of families suffering the worst excesses of economic deprivation serves to further exacerbate the adverse social conditions of life in which they are confined. The reinforcement of alienation of sections of the working class community from other sections supports the fragmentation of community solidarity and legitimates the policies of reaction.

Law and order ideologies based upon notions of parental irresponsibility were regularly orchestrated during the 1970's by chief constables and senior police spokespersons. By 1979, 'law and order' had become a major issue in the General Election. Statements by chief constables were given widespread publicity. Criminality was defined as directly arising from parental irresponsibility. As James Anderton, Chief Constable of Greater Manchester stated at a 'conference on family life' in October 1978:

"We must stop making excuses for bad parents and set about re-educating them. We must force them, as far as is reasonably possible, to face up to their personal responsibilities and penalise them in some way if they will not."(96)

On the same day, Sir David McNee, then Metropolitan Police Commissioner, stated to a Sussex audience:

"Criminal parents tend to bring up criminal children. That is no doubt something we can all understand and probably expect."(97)

Such ideologies rest upon notions of declining 'moral values' and 'law and order'. And like most reactionary ideologies, including the fascist varieties, it is based upon a mythical golden age. For the police

corporate management it was an age where 'authority' was absolute; i.e. it was unquestioned and respected. It was the age before 'increasing violent crime', before 'rising juvenile delinquency', 'riots', 'mass picketing', 'permissiveness', 'mugging', soccer hooliganism', 'terrorism', 'Stanley knives', 'hippies', 'skinheads', 'punks', 'immigration' and so on.

The fact that such 'Folk Devils' <sup>(93)</sup> have always featured in reactionary ideology in one form or another does not diminish the material impact of the mythology in legitimising the development of the state's coercive forces, particularly during periods of capitalist crisis and recession. During the 1970's the police corporate management entered the political arena of public debate with apocalyptic visions of civilisation facing imminent collapse at the hands of the mugger, terrorist, subversive etc. For the police, faced with "... the loosening of moral discipline, restraint and control" <sup>(99)</sup> there was a need to re-assert and strengthen the power of authority, requiring measures to discipline working class communities which they saw as abrogating their responsibilities.

By May 1979, the ideological tirade against 'irresponsible parents' and juvenile offenders conducted by chief constables had begun to have a major impact on law enforcement policy. The 'short-sharp-shock' approach as advocated by Anderton and others materialised in Home Office penal policy following the Tory victory in the 1979 General Election. Anderton was quite clear on the purpose of such detention centres:

"Wretched offenders like these (marauding gangs of dirty youths and men) who take the fullest advantage of every meek response to their abominable conduct should be arrested, convicted, and placed in penal work camps where they should be made to sweat as they have never sweated before and remain until their violence has been vanquished by penitent humiliation and unqualified repentance."(100)

Such sentiments as they are have of course been expressed at various periods throughout British modern history and in that sense express ideologies which have served to sustain bourgeois hegemony during crisis and rapid social change.(101) For our latter day chief constables the forces of disorder are manifest in the ever-present threat of subversion, terrorism, permissiveness, pickets and the elusive shadowy spectre of communism. Between them, 'extremists' and 'do-gooders' have conspired to weaken the moral fabric of British society. Violent crime and public disorder are defined as a result of society failing to face up to its responsibilities. 'Authority' is being undermined and the police take it upon themselves to re-establish it. As Chief Constable Kenneth Oxford said following the Toxteth riots of 1981:

"If the parents are not going to pick up their responsibility and apply a discipline, it means that I have got to do it to protect the community at large."(102)

The factor which distinguishes such ideologies of recent years from earlier expressions, is the clear shift from the assertion that parents need to exercise more authority over their children to the one that the police have got to do it for them.

For all the rhetoric about the virtues of family

life and the need to 'strengthen' the family, it is perhaps the family more than any other social institution which has suffered most from economic recession and post-war capitalist government policies which have, for example on Merseyside, systematically smashed the extended family networks of inner Liverpool, fragmented the communities in which they were inter-meshed and scattered them at random into new towns and conurbations where they were expected to sit tight and wait for jobs to appear.

In policing the consequences of this process, the parents of the new generations brought up under these conditions are scape-goated and the state takes it upon itself to perform the socialisation roles which the parents have purportedly 'abrogated'.

As has already been indicated, the notion of 'parental irresponsibility' is not new; for example, in the 1930's police chiefs expressed similar ideas on the cause of juvenile crime, but the intention was one of rebuke:

"In connection with the general trend to increased crime, and especially crimes committed by juveniles, it seems very plain that without a more salutary check, disastrous consequences will arise, and this matter appears to me so important that I feel bound to avail myself of this occasion to rebuke those parents in not watching more carefully over the conduct of their children - many of whom are drifting into a life of crime." (Chief Constable, St. Helens. (1933) ). (103)

Furthermore we also find similar ideas persisting during the 1940's:

"Excellent work is carried out by probation officers, school-teachers and social workers, but experience shows, and cases brought before the court prove, time and time again, how much more could be achieved

if only parental interest would tighten up discipline in the home. Lack of parental interest and control is a sad feature in many of the cases dealt with." (1C4)

This ideology is not however peculiar to the twentieth century but can be found right back in the debates which preceded the passing of the 1829 Police Act when the modern police force was established. Here we find similar arguments which were used to support demands for a 'new police' to deal with the struggles arising from the industrial revolution of early capitalism. With large-scale public disorders, such as the Gordon Riots and Luddite Riots, the capitalist class feared for their wealth and lives and demanded the creation of a permanent police force to assert a moral and coercive authority over the working class. It was to perform this role that the 'new police' were established as the shock troops of Victorian morality; their task was both ideological and coercive - the use of force in maintaining bourgeois public order and the penetration of the daily life of working class communities to establish a permanent presence of bourgeois authority.

Problems endemic to capitalism were ultimately deemed to be caused by those who experienced them; they were self-inflicted; criminality was passed on from parents to children - conditions of poverty were indeed often identified, but seen as of secondary importance. In evidence to the 'Committee on the State of the Police of the Metropolis' (1817) a Mr. Crawford - described as the 'secretary to the society of which the object is to inquire into the causes of Juvenile Delinquency' - had clearly



impressed the committee with the account of the causes of juvenile crime, they reported:

"It appears then, from the evidence of that respectable and intelligent person that from a minute investigation of the subject, there are several thousands of Boys in the Metropolis who are daily engaged in the commission of crime, that the causes of this deplorable evil are to be traced to the improper and criminal conduct of parents..." (105)

Other factors presented by Mr. Crawford, such as 'want of education', 'deficiency of employment', 'violation of the Sabbath', and the 'prevailing habit of gambling in the public streets,' (106) - formed the general background to central notions of improper and criminal parental conduct. Closely connected to the notion of parental irresponsibility as a central cause of criminal behaviour amongst the working class of Victorian times was that of Drink. As Harrison has noted:

"The impressive rise in the number of drunkenness proceedings between 1857 and 1876 is at least as likely to stem from increasing concern at the seriousness of the drink problem in those years as from any actual increase in consumption." (107)

The increase in drunkenness proceedings during the 19th Century had as a crucial determining factor the pervasive influence of dominant ideologies which politically defined working class drinking habits as a fundamental source of industrial capitalism's endemic poverty, disorder and squalor. The stark contradiction of a thriving 'thrifty' middle class displaying all the privileges of wealth and luxury counterposed to the poverty and hardship of the working class, which arose from the character of capitalist production and the inequitable distribution

of wealth, was presented by dominant ideology as a result of excessive alcohol consumption by the working class. Moreover such activities were presented as a growing threat to social order, fuelling reactionary pressure for the strengthening of repressive legislation and law enforcement. Such ideology, in strengthening state control over the lives of the working class, has characterised the development of a bourgeois form of policing. For the ruling class, the real problem which threatened capitalist society was public disorder engendered by the workings of capitalist market forces. Drunkenness itself was not the problem so much as working class drunkenness, perceived as a threat to public order. This perception became ideologically generalised as a root cause of criminality requiring more stringent enforcement of drink and licensing laws. Thus the fallacious linkage between drink and crime figures was served up as propaganda for middle class consumption to legitimate more direct disciplinarian forms of policing working class communities. Disorderly behaviour became the focal point of law enforcement policy. As Brian Harrison pointed out in his book - Drink and the Victorians:

"Again, changing criteria for arrest, and even a changing catchment area, deprived early Victorian statistics for London drunkenness arrests of much value; impressive in gross, they made no allowance for persistent offenders; furthermore, many drunkards were arrested for disorderly behaviour rather than for drunkenness. Nor could the figures indicate changing drinking habits within a particular social class, at a time when the police seldom arrested respectable drunkards."(108)

False causal links, such as that between drinking and crime, has played a major role in the historical

development of law enforcement policy and legitimating the formation, development and strengthening of police forces in Britain. Commenting on false causal connections such as that between drink and crime, Harrison states:

"The fallacies lying behind these popular fears did not, however, prevent them from being politically influential in the 1920's: the sentiments which lay behind the introduction of the Metropolitan police in 1829 also lay behind the Beer Act of 1830."(109)

Ideological attacks on working class leisure activities by the Victorian bourgeoisie in 19th Century Britain have been well documented.<sup>(110)</sup> These ideologies, enveloped in middle class morality, particularly focussed upon working class drinking, festivals and sports. But beneath this veneer of public morality lay more fundamental bourgeois fears of political and economic dimensions. It was not so much the spectacle of blood sports and drinking which upset the bourgeoisie, but rather what they perceived as the disorderly conduct associated with these pastimes beyond their control. The potential threat to property and social order and the potential translation of social disorder into political revolution was, for the bourgeoisie, a problem of maintaining a public order conducive to the material interests of their class. These associations assumed the ideological driving force behind the formation of the new police and dominated its law enforcement policies. But in practice, the universalistic appearance of bourgeois morality and bourgeois conceptions of 'the rule of law' were contradicted in the enforcement of laws which could only express the class nature of the legal system. The drinking habits and blood

sports of the Victorian bourgeoisie and aristocracy remained relatively secure whilst regular attacks were being perpetrated against similar forms of recreation enjoyed by the working class.

As examined in Part I, developments in policing during the 19th Century reflected ruling class concern with public order, whether in relation to working class leisure activities, industrial disputes, demonstrations or riots. For the ruling class, it was not the contradictions of capitalism which lay at the root of disorder in bourgeois society but the 'improper conduct of parents' and working class drinking habits. In evidence to the Committee on the State of the Police of the Metropolis (1817), a Mr. Poynder, a clerk of Bridewell Hospital, expressed such dominant ideological perceptions which were to materialise in the passing of the 1829 Metropolitan Police Act. Mr. Poynder was quite convinced of the threat to social order posed by working class drinking:

"I would further observe, that the continuance of the present system of drinking has appeared to me calculated to encourage and perpetuate habits of insubordination and sedition; and I feel strongly persuaded that the government loses infinitely more in the alienation of the minds of its people than it can ever gain by the largest contribution to its revenue."(111)

The demon drink became a central feature of all disorder and threats to the social order of capitalism:

"I am fully persuaded that much poverty is absolutely created by drinking and that all poverty is greatly aggravated by it. It is in the public houses that extensive combinations are formed against masters, that common funds are collected for the support of those workmen who hold out longest against their employers, and that able plans are organised for the application of those funds."(112)

Thus the new police became the missionaries<sup>(113)</sup> charged with the task of practical application of bourgeois morality for the restraint of the "bohemian and wayward working classes".<sup>(114)</sup> As Harrison further argues:

"A fiction of superior upper-class morality was preserved by a police force which publicised the intemperance of the poor, while quietly conducting upper-class drunkards to their homes without taking them to court."<sup>(115)</sup>

The translation of this fiction of superior upper-class morality into legal practice by the police in the 19th Century was not however without its contradictions. Working class resistance in the 19th Century to these new forms of policing was quite extensive. Although by the late 19th Century the police had ideologically penetrated numerous working class communities, many still remained entrenched against police hegemony:

"The police were powerless without a favourable public opinion and in many slum districts (of London) this favourable opinion did not exist."<sup>(116)</sup>  
(Harrison - 1971)

Even by the early 20th Century, new police forces were still being established around the country. In St. Helens, Lancashire, a new police was established in 1887 with the particular function of curbing the drinking activities of the town. As the St. Helens Standard commented in 1904:

"... the roughs of the Town seemed to be inclined to the opinion that the new constables were provided for their amusement, and they were maltreated time after time. However, Magistrates administered severe punishments in every case brought before them and the ways of the new police became much smoother."<sup>(117)</sup>

A major contradiction faced by the new police and the middle class, was the fact that, on the one hand, the task of the police was to suppress working class drinking and thereby antagonise the Publicans whose trade duly suffered, but on the other hand the police relied upon publicans for information about the criminal world. As Harrison points out:

"... their responsibilities for enforcing the licensing laws and for controlling crime were to some extent contradictory. And the police knew that publicans and brewers were often powerful on local watch-committees."(118)

In St.Helens, with the introduction of the new police in 1887, this contradiction led to the bizarre situation where the new police was established with the task of enforcing the drink laws under the authority of a watch committee appointed to direct its movements, whose dominant members were drawn from the Beecham and Pilkington companies which, at the same time, provided free beer to their workers. As Price comments:

"Those in authority appear to have had an ambivalent attitude to this problem, on the one hand encouraging the workers to drink to help with adverse working conditions created by furnace work and the noxious fumes which were the inevitable by-product of many industrial processes to be found in St.Helens and neighbouring towns, and on the other hand deploring the consequences of excessive drinking."(119)

Whilst working class drinking habits have by no means been the only focal point for law enforcement policy, the drink-crime terms of reference have been a significant factor in determining enforcement policies of constabularies during periods of capitalist crisis. The recent history of the Merseyside Police Force has testified that such

ideologies still form the basis of law enforcement policy, particularly in relation to the development of new forms of policing. Assessing the enforcement policy of the Merseyside Task Force in 1975, the Sunday Times (16/2/75) commented:

"The emphasis on combating drunkenness was based on the theory that many people who have been drinking go on to commit more serious crimes."

For Chief Constable Haughton and his successor, Kenneth Oxford, drinking was a major cause of criminality in the 1970's. On the pretext of combating organised crime, the operational policies of the Chief Constable became increasingly concerned with drink and drunkenness in the 1970's. As a public order priority this development played a major role in establishing and developing new reactive forms of policing. For many localities around Merseyside, reactive policing strategies directed towards the repression of drink activities in the 1970's had assumed distinct para-military tendencies. Raids on pubs and clubs for late night drinking became major operations. The Guardian (2/7/79 noted in July 1979:

"This public move was backed by much closer contact than before with the licensing justices and the introduction of a special police squad to raid clubs and pubs, looking for after-hours drinking."

For the Merseyside Police Corporate Management, the implementation of tougher enforcement policies concerned with drinking was presented as the key to tackling the source of crime in Liverpool. In many respects this policy on drinking in Merseyside displayed reactionary characteristics; its enforcement was inevitably coercive, but for the Chief Constable a necessary measure to discipline the

drink activities of the working class on Merseyside, legitimated on the grounds of tackling the 'crime problem':

"So the new tough police policy, which has the implicit backstairs backing of the judges at Liverpool Crown Court, may be beginning to work. But, as Mr. Oxford admits, one of the two main keys to solving Merseyside's main crime problem is the rigorous application of the Licensing laws."  
(120)

This policy was enthusiastically applied in 'K' Division. By 1979 the recession had already made a sharp impact on social conditions in Knowsley. Mass unemployment increasingly posed the threat of public disorder. In the context of such volatile conditions, the need on the part of the police to assert the authority of the state became targeted on drink activities culminating in a series of pub raids in 1979 which led to physical confrontations between police and public. It was four days following a raid on the Eagle and Child public house that Jimmy Kelly died whilst being arrested for the offence of drunk and disorderly conduct on his way home from the Oak Tree, another Huyton pub.

### 3) REACTIVE POLICING IN KNOWSLEY

Reactive and pre-emptive policing, as integrated into the Command and Control system of the Merseyside police corporate management, have gradually replaced the labour-intensive foot patrol systems which characterised preventive policing. In this respect, control of operations and the formation and implementation of law enforcement policy, has now largely become the prerogative of Chief Police



Officers whose political powers have, through centralisation and concentration, outstripped the political perimeters of local government. That the early experiments in reactive and pre-emptive policing should have taken place in mostly urban working class areas, particularly those of high unemployment and material deprivation has testified the political role of policing in operating to contain the crisis conditions of the inner cities and outer urban estates. In this respect, the use of Kirkby as a guinea-pig in the early development of reactive policing, was based on attempts to create a combination of foot and vehicle patrols by a system which later took the name of Unit Beat Policing. As the system was developed, the emphasis increasingly became concentrated on reactive mobility.

#### Unit Beat Policing and Kirkby

Prior to the development of Kirkby Newtown from 1953, the village of Kirkby was policed by a single policeman. However, with the creation of the Newtown, in ten years the population rose from 8,000 in 1953 at the beginning of the town to 60,000 in 1963<sup>(121)</sup> with the relocation of many families from the inner city. During this period the strength of the local force was raised to 67 police officers (see Table 3) and had attained sub-divisional status. In the first 10 years of its existence, Kirkby was policed largely by the traditional methods of foot and cycle patrols characteristic of the period. However given the purpose of the Newtown as an isolation unit for Merseysiders suffering the worst excesses of poverty and unemployment, and the social consequences of their re-

Table 3.

KIRKBY POLICE STRENGTH 1953-1976.

Year	Pop.	Supt.	Ch.Insp.	Insp.	Sgts.	Cons.	CID	Total
1953	8,000				2	6		8
1955	29,000				3	12		15
1960	52,000		1	3	8	39	8	59
1963	60,000		1	3	8	42	13	67
1973	59,000	1	1	4	7	50	19	82
1974	59,000	1	1	5	8	52	21	88
*1976	59,000 (approx)	1	1	5	8	66	21	102

Sources: N.L.Chapple, Kirkby Newtown: An Objective Assessment of Social, Economic and Police Problems. Vol 132. Dec.1975. pp.267-9

\* 'Kirkby NewTown' (POL 53/76) Report of the Chief Constable. 27/4/76. p1

location in Kirkby (i.e. the breakdown of community and family ties and support networks), traditional methods were seen as increasingly incompatible with the demands of policing the contradictions of a community experiencing the consequences of capitalism in crisis twenty years before the emergence of nationwide recession. In this respect, Kirkby has served as a guinea-pig for the development of new forms of policing, and this to some extent accounts for the rather 'ad hoc' process in which these new forms of policing were developed in the area.

Although by 1964 the foot and cycle patrols had been supplemented by the introduction of 3 cars with radio communication.

"... it had become clear that this then standard type of policing was inadequate for the special problems experienced in Kirkby - particularly the high incidence of vandalism and hooliganism in the town."(122)

To this end, the traditional forms of policing by foot and cycle patrols were rapidly superseded by new forms of policing.

Increasing mass unemployment in the town, aggravated by successive factory closures, was effectively creating a permanent surplus labour force, a high proportion of which were youth. To police and contain the social consequences of this process, the Newtown Police had to first establish itself as a highly visible and dominant force in its relations with the Kirkby working class, particularly the youth. The political role of the U.B.P. in

Kirkby was to develop the means of containing working class youth within the adverse conditions of capitalist crisis.

Traditional forms of policing by means of foot and cycle patrols were largely superseded by more mobile reactive strategies. What was essentially new about this strategy was the form in which it developed.<sup>(123)</sup> What was later to be described as 'Unit Beat Policing' and subsequently implemented in varying degrees in police forces around the country, was developed in Kirkby in the 'ad hoc' fashion mentioned earlier in the attempt to establish coercive police control of the streets. The development of Unit Beat Policing for this purpose was strongly influenced by technological innovations in the Lancashire Constabulary. Of particular importance at this time was the introduction of personal radios in 1964 for police patrols in Kirkby, enabling constant direct communication with the sub-divisional headquarters.<sup>(124)</sup> Thus police movements around the town were more effectively co-ordinated and the reactive aspect of policing strengthened:

"The issue of personal radios on this scale was something of an innovation at that time and proved very successful in enabling foot and cycle patrols to become much more frequently involved in the type of active policing which until then had been almost monopolised by the Area Car and Crime Car crews. Similarly, patrol constables could feel reasonably secure in the knowledge that if set upon by hooligans a quick radio message would bring immediate assistance."<sup>(125)</sup>

With effective communication systems established in this manner, the subsequent abandonment of the foot beat system

in 1965 in favour of a new system of mobile beats laid the basis for the 'Panda System'.<sup>(126)</sup> The strategy was based on the division of the town into five 'mobile areas' with Panda cars covering four residential areas and the industrial estate, with a single foot patrol covering the town centre shopping precinct.<sup>(127)</sup>

According to Chapple, the new system had a dramatic effect in reducing Kirkby's crime rates by 31% - vandalism by 53% and an improved detection rate from 29% to 37%.<sup>(128)</sup> The extent however to which this statistical reduction may have been due to the retreat from the pavement to the road, and thereby reducing the potential for the reporting of crime by the public, merits consideration. As Michael Banton has argued:

"Where the adoption of Unit Beat policing has resulted in a decrease in reported crime, this may be because more policemen are sitting in cars and not putting themselves in situations such that citizens come up and report crimes to them. Officers are increasingly policing on wheels instead of from wheels."<sup>(129)</sup>

However, whatever the short term benefits to the police the new system may have afforded in terms of crime reduction, its effect on relations with the Kirkby people merely served to further antagonise the existing state of affairs. Whilst a strengthening of policing in terms of the development of a new reactive capacity was achieved, the development had a two-fold adverse effect on both police/public relations and on the surveillance and information-gathering process. As Chapple admitted:

"In a community of which a large proportion is openly hostile to the police, no opportunity is given through informal daily contact for police/public relations to be improved.

Another corollary of this situation is that the policemen are so busy hurrying from one incident, or call, to another that they never have opportunity for systematic preventive patrol, nor the time to investigate much of the anti-social behaviour which is constantly taking place."(130)

However, as a result of the initial reduction in the crime statistics for the area with the introduction of the panda car system:

"... it was never thought necessary to introduce Unit Beat Policing in Kirkby, or in any other way to modify the original mobile beat system of May, 1965."(131)

This situation held up until around the time of reorganisation in 1974 when Kirkby became part of 'K' Division of the new Merseyside Force. During this period, aggravated by recession, social conditions in Kirkby continued to further deteriorate; moreover the growing economic recession of capitalism had begun to make significant inroads into other working class communities in the Merseyside area.

Policing in Kirkby became the subject of several reports following reorganisation:

"Within a few months of taking over responsibility for the policing of Kirkby the new Chief Constable decided that certain features of life in Kirkby required special police attention."(132)

The report of Norman Chapple who became Chief Superintendent of 'K' Division in 1975 laid the basis for further developments in policing Kirkby. From this report, Chapple made several recommendations which had the

objective of both strengthening the reactive forms of policing Kirkby and developing the kind of public relations and 'community liaison' schemes which are now a familiar aspect of recent 'community policing' schemes around the country. Chapple's recommendations may be summarised as follows:

1. An increase in the strength of the Kirkby sub-division.
2. The formation of a Tactical Patrol Unit.
3. The development of a 'long term prevention role' which would be "... geared to educating young members of the public with a view to achieving voluntary improvement in standards of conduct rather than by physical police presence ... by a concentrated School Liaison Scheme the police could play an important part in the social education of future generations of Kirkby parents."
4. A greater effort in police-community relations. (133)

The recommendation for an increase in police strength was largely based on proposals by Chapple for the adoption of Unit Beat Policing in Kirkby; the introduction of the system subsequently brought the police strength of the town up to the establishment target. (134)

The Unit Beat formulae, as developed at Accrington and based on early developments in Kirkby centred on the ideal of a 'resident' beat officer being supported by a mobile team of panda cars, a detective and a collator. Here we see the breakdown of the policing task previously performed by single beat police officers; i.e. public order and response to incidents, detection of crime, and information gathering and surveillance; with the Unit Beat system the remaining task for the foot police officer was

specifically that of surveillance and information gathering.

From these developments, new forms of policing working class communities emerged. Both the reactive and pre-emptive aspects of policing were, with the aid of capital-intensive Command and Control systems, expanded into new spheres beyond the traditional foot beat system and structured within the new corporate organisation of the Force. In this respect new forms of reactive and pre-emptive policing which were originally conceived of as a 'back up' to the officers on foot patrol, increasingly attained positions central to police operations, with the foot patrolman reduced to being an appendage to the police system.

The intention was that each division would be divided into mobile beats policed by units. The original conception was thus:

Unit Beat Car:	5.39 men (for manning throughout 24 hours)
Area Constable:	2.00 men (not relieved for normal absence)
Collator:	.44 men (16 hour cover)
Radio Operator:	.67 men (24 hour cover)
Reserve or Patrol:	2.00 men
	<hr/>
	10.5 constables per unit

(Source: N.L. Chapple (1975) p. 286 - taken from  
Home Office Memorandum 2/70)

However, in practice the UBP formulae were inevitably restructured in relation to specific local conditions.



Moreover, as the system was developed around the country, the mobile units eventually replaced the beat officers in many cases, as the central dynamic in policing. As Banton noted in the early 1970's:

"... UBP is not being fully implemented in the way it was intended. When extra men are needed, the area constables are the first to be withdrawn from their regular duties."(135)

In many cases, beat police officers were largely directed towards the patrolling of private commercial and industrial property. In his study of the policing of Sheffield, Rob Mawby notes:

"Beat policemen are confined almost exclusively to commercial and industrial areas and the main roads. A large number of officers were assigned to city centre beats..."(136)

This situation has been characteristic of Kirkby, where the town centre has had foot patrols since the creation of the town.<sup>(137)</sup> However in 1976 with establishment at Kirkby brought up to full strength, additional foot beats were introduced to cover the shopping and commercial complexes in the town centre and the heavily populated areas, backed up by mobile cars.<sup>(138)</sup> According to the Chief Constable in his report to the Police Committee on the policing of Kirkby at that time, with this development 'the system of policing Kirkby was changed'.<sup>(139)</sup>

In terms of the structure of UBP, or rather its particular version in Kirkby, the system itself has not particularly changed; rather, this move simply represented an attempt to strengthen the existing system by the development of extra recruited police officers on the ground to

back up the mobile patrols.

During the mid-seventies, there began an orchestrated campaign, supported by dominant sections of the police, the media and sections of the public to 'get the bobby back on the beat'. In this context, policing policy entered the public relations field in a professional and systematic manner, with senior police officers pledging to get back to either foot or cycle patrols. This however merely resulted in larger increases in police recruitment, from 97,300 in 1971 to 119,500 in 1981, as shown in Table 3.

Existing UBP's were reshuffled whilst maintaining essentially the same form. In Sussex for example, UBP appeared to have been abandoned with the withdrawal of panda cars and the introduction of more foot beats. But in reality the number of beat patrols just simply increased along with the reactive aspects of UBP. Thus in February 1974, in an amazing feat of double-think, the editorial of 'Police' could confidently state:

"... the retreat from mobile policing gets under way."(140)

and then goes on to note:

"... the number of general purpose patrol cars will be increased and will serve as a 'back up' service to the man on the beat."(141)

In the parts of Northern Ireland at the time of writing there are army patrols 'backing up' police patrols 'backing up' the odd constable on the beat. Similarly in Toxteth, there are fortified police transit vans 'backing up' the Chief Constable's 'community police' officers. (142)

### Task Force

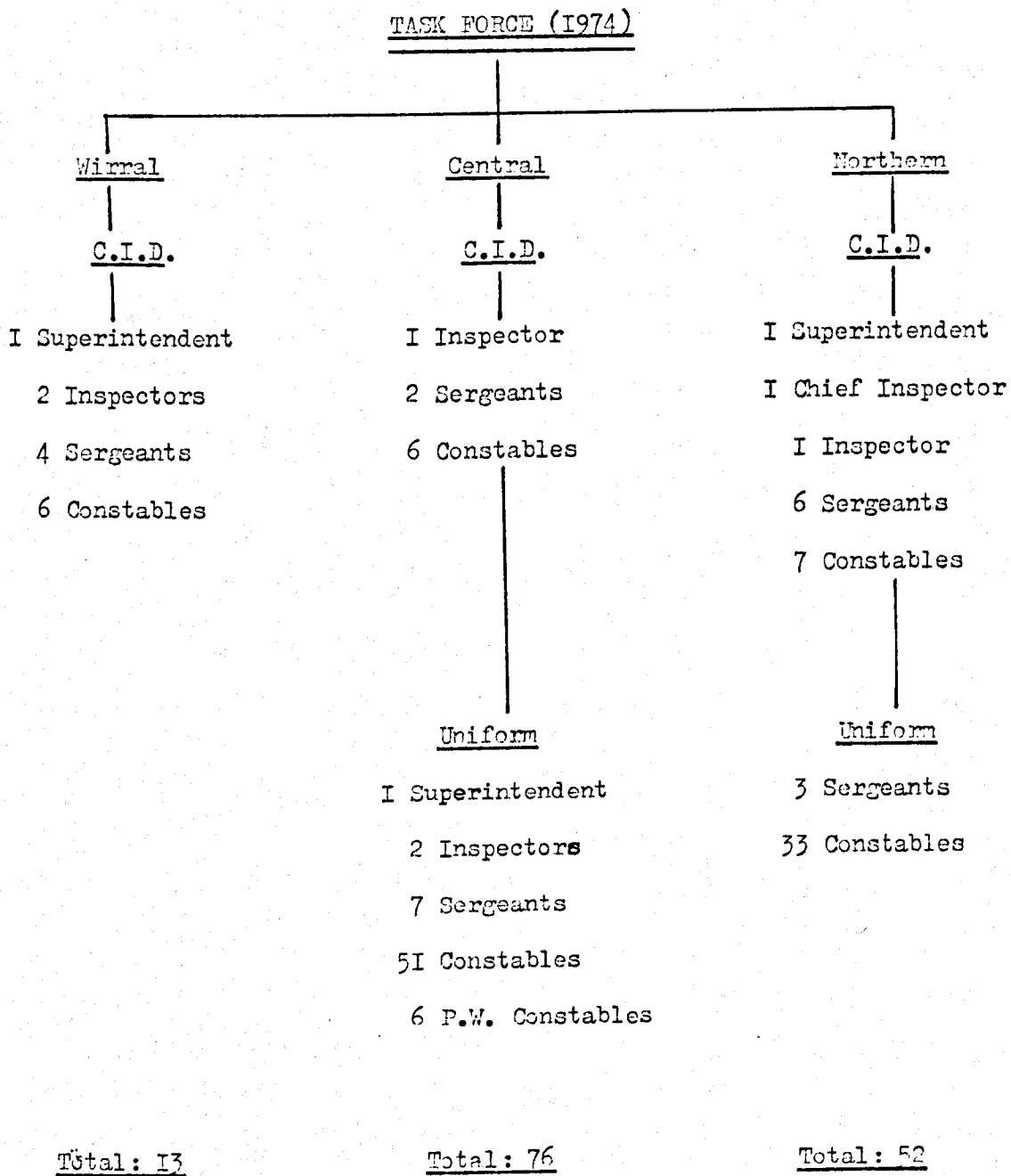
With the 1974 reorganisation, the formation of 'K' Division of the Merseyside Police saw the establishment of a new Task Force at its Headquarters in Knowsley Hall. The Task Force was originally created by Lancashire Constabulary in 1969 and marked the development of a new form of policing based on the extension of the reactive policing strategies as discussed earlier. Set up in January 1969 by Chief Constable Haughton, the character of the new force was outlined by one of its early commanders:

"Crime prevention, said Detective Chief Inspector N. Taylor, also plays a great part in the work of the (Task) Force. By employing the men as 'shock troops' they act as a deterrent to crime in many cases." (St. Helens Newspaper 28/1/69)

The crucial feature of Task Force was their establishment as units of about the size and structure of the average sub-division, but with a territorial boundary of a much greater acreage. In 1974, Merseyside Police established three Task Forces - Wirral, Central and Northern - to police the Merseyside area (see Fig. 2). The Northern Task Force, based at Knowsley Hall, was established to provide a 'mobile reserve' for J, K, H and L Divisions (see Map 7) although by April 1976 a section of the Northern Task Force was accommodated at Kirkby Police Station."(143)

The presence of this section of the Task Force at Kirkby met Chapple's recommendation for a 'Tactical Patrol Unit' for the town, although it must be noted that the proposed Unit, if established, would have come under the

Fig. 2.



Overall Task Force Strength: 141

Source: The Report of the Chief Constable (Designate) to the  
Police Committee of the Merseyside County Council (Appendix 'I (b)')

command structure of 'K' Division, as opposed to that of the Northern Task Force. In Chapple's proposals, the Unit would form part of the Kirkby sub-divisional operational structure:

"It is important that the operation of such a unit should be a permanent feature of the town's policing so that any results accruing (e.g. the breaking up of hooligan gangs) will not be short-lived. For this reason it would not be sufficient to call in Task Force personnel on an 'ad hoc' basis though the concept is similar."(144)

Thus, instead of the formation of a Kirkby 'Tactical Patrol Unit' to avoid the ad hoc deployment of the Task Force, a section of the Task Force itself under the operational command of the Northern Task Force was established in the town to perform the reactive policing tasks outlined by Chapple in his report. These were:

- " 1. The breaking up of gangs and generally preventing breaches of the peace at points where these commonly occur at present, e.g. outside public houses, youth clubs, in shopping precincts.
2. Visits to public houses where there is good reason to believe that under age drinking (a prevalent offence at present) and other offences against the licensing laws are taking place.
3. Patrolling of vulnerable property with particular attention to schools, vacant dwellings and other common targets for vandalism.
4. The setting up of late night vehicle checks.
5. Dealing with truant school children during the day time (experiments with police truant patrols have proved very successful in reducing crime in at least one Scottish force area) and the very young who are out in the streets after dark.
6. Responding in force to any identifiable crime patterns which may emerge from time to time.(145)

As can be seen clearly, a pertinent feature of this plan of action is that many of the items were directly concerned with the policing of juveniles and youth.

In 1976, the Operational Support Division was formed from the 'redistribution of the former Task Force'.<sup>(146)</sup> This reshuffling was, in part at least, done to deflect mounting criticism voiced by Merseysiders of the activities of the Task Force. This move was initiated by Kenneth Oxford on his gaining the post of Chief Constable, which had been vacated by Haughton (who became an Inspector of Constabulary) in the midst of the widespread allegations and criticism directed against the Task Force.

The Task Force had become notorious in its particularly coercive methods - operationally, it performed a similar public order role to that of the various other Task Forces and Special Patrol Groups around the country. In 1975 a group of Liverpool citizens under the name of 'Vigil' began a campaign to disband the Task Force.<sup>(147)</sup> However, on Haughton's replacement by Oxford, the new Chief Constable merely swapped the Task Force para-military style jeeps for transit vans and renamed it the Operational Support Division to be deployed in districts with "long-standing crime problems."<sup>(148)</sup> In his annual report for 1976, Oxford comments:

"Young persons continued to create many problems varying between vandalism, hooliganism and gang warfare. Special Patrols, including units from the Operational Support Division, have had to be deployed periodically to combat this behaviour and they have had the desired effect."<sup>(149)</sup>

The formation of the Special Patrol Groups in the 1970's and their deployment in street patrols of working class communities, in labour struggles and on political demonstrations highlighted the centralised autonomous political power of the police corporate management. Given their specific reactive capacity with mobility over relatively wide areas, the special patrol groups signified a further development of the form of mobile policing originally established through Unit Beat Policing. However, whereas UBP combined mobility and radio communications systems for the patrolling of specific local areas, the Special Patrol Groups, organised as separate and distinct Divisions, enjoyed a much wider freedom of movement across territorial Divisions with a more specific para-military orientation.

The Operational Support Division, like its SPG counterparts in Metropolitan London and around the country, held no local allegiances and operated under a direct central command. Whereas the distinctive feature of UBP lay in the fact that the system characterised the first step towards the formation of mobile para-military policing, the distinctive feature of the SPG's lay in the fact that they represented the second step of this process. By the turn of the seventies, SPG's and PSU's were being regularly deployed for public order situations outside of their Force boundaries on the basis of 'mutual aid' agreements between Constabularies, and in the wake of the riots of 1981, with the combined deployment of SPG's and other para-military reserves such as the Police Support Units, a National Riot Force had effectively been created.

Consolidation of Reactive Policing  
in 'K' Division

We have so far established that with the formation of 'K' Division and the broad implementation of the policy recommendations contained within the Chapple Report, the law enforcement policy which it detailed was primarily concerned with the deployment of reactive policing strategies to coerce the working class of Kirkby into passive acceptance of deteriorating social conditions. The guiding hand of bourgeois morality was to be rigorously applied to undisciplined youth, their 'irresponsible parents' and drink activities. Such policies were not of course exclusive to Merseyside Police 'K' Division. Many of the law enforcement policies outlined in Chapple's report reflected similar processes in other divisions and in general terms the corporate ideology of the Force. Below are detailed a number of cases which illustrate the material consequences of reactive policing. The first one, involving the Central Liverpool Task Force during its first year of establishment, was in many respects a clear indication of things to come.

KENNETH WILLIAMS

Kenneth Williams (27) died at Walton Hospital on August 4th 1974 from Acute Pancreatitis.<sup>(150)</sup> Three weeks earlier on 22nd July Williams, from Southdene in Kirkby, had been arrested by Liverpool City Police after a car chase. The police thought that Williams was driving a stolen car, but it emerged at Williams' inquest that the car had belonged to one of his relatives. Williams



claimed that he was subjected to violence immediately after his arrest and the police claimed Williams had injured a police officer who jumped onto the car in an attempt to stop it. Williams was subsequently charged with attempted murder, although the charge was later dropped and replaced by grievous bodily harm.

During his release on bail, Williams maintained he was beaten at the time of his arrest and punched whilst held at the Bridewell in Cheapside. On July 30th Williams was taken into intensive care at Walton Hospital where he died four days later.

The post-mortem examination revealed that Williams had died as a result of a burst pancreas consistent with a blow to the stomach, although medical opinion at the inquest suggested that alcohol or gallstones may also cause this medical condition.

The inquest on Williams' death was opened on the 26th November 1974 by the Coroner, Mr. Roy Barter, following the DPP's decision not to recommend proceedings against the police officers involved. After two and a half days, the nine-man jury returned a verdict of 'misadventure' following the Coroner's summing up:

"Summing up, Mr. Barter said that any question of the jury committing any of the police officers for trial for murder or manslaughter could be forgotten - there was no evidence to warrant it. He said that the law stated that reasonable force could be used to arrest an offender or suspected offender. 'If the arrest was lawful, and you are satisfied that any injuries he received killed him, then the verdict is misadventure.' (151)

Before his death, Kenneth Williams insisted that he had been beaten up in the back of the Task Force Land Rover and punched at the Cheapside Bridewell. The police surgeon, Doctor Maurice Kerwin, in cross-examination stated that he found two wounds on Williams' head when he examined him.

During Mr. Williams' confrontation with the Task Force, he claimed he panicked and attempted to drive off. It was around this time that public concern began to show itself in connection with the activities of the Task Force, leading eventually to its re-naming - the O.S.D. - by Kenneth Oxford when he was appointed Chief Constable in 1976.

#### JOHN LANNON

"We are advised by our client that when he was arrested by the police officers in connection with this offence, he suffered injuries as a result of "police brutality".  
We are instructed to claim damages on our client's behalf."(152)

Three months after his appointment superceding Jack Watson as Chief Superintendent of 'K' Division in May 1975, Mr. N. Chapple received a letter from the solicitors of John Lannon claiming that he had been severely assaulted by officers of 'K' Division, causing a punctured lung, broken ribs, and facial cuts and bruises. Following an internal investigation, Lannon's complaint was dismissed by the DPP who ruled that there was insufficient evidence on which to prosecute any officer. Lannon died 17 months later after the assault in January 1977. Since his arrest Lannon had physically deteriorated and had received repeated hospital treatment.(153)

The case was re-opened following the numerous complaints of assault made against the 'K' Division police in 1979, making legal history with the disclosure of the report of the internal investigation. (154)

The case was taken to Liverpool Crown Court by Lannon's family as a civil action against the Chief Constable, Kenneth Oxford, and Mrs. Gladys Conway, landlady of the Woodpecker public house in Kirkby.

In the early hours of 11th August 1975, Lannon and a friend, both drunk following a late night party, had entered the car park of the Woodpecker pub and poured paint over the publican's car. In cross-examination, Mrs. Conway's daughter had stated that Lannon had fallen off the pub wall and was unable to get up off the ground. Following the arrival of the police, about a dozen eye witnesses stated that they saw Lannon dragged around the car park of the Woodpecker pub, punched and kicked by two police officers and beaten about the head with a billiard cue by Mrs. Conway. Mrs. Conway denied assaulting Lannon, but was "... unable to explain, under cross-examination, why she was carrying the billiard cue." (155) Mrs. Conway also denied seeing the police assault Lannon and that she had telephoned Lannon's mother shortly after the incident to say that the police had caused the injuries and not her.

In Counsel's summing up for the family, Mr. Simon Newton stated:

"... Lannon was very drunk and although injured was not incapacitated. He had undoubtedly struggled with police officers and could well have kicked P.C. Alistair Frew. But they had assaulted him first while he was lying on the ground."(156)

Dr. Wake, who examined Lannon when taken to hospital 11 hours after his arrest, stated that it was likely that Lannon's rib was broken by a kick.(157)

Following his arrest Lannon alleged that he was driven to Simonswood fields where he was further assaulted. The police officer driving the car, P.C. Norman Wilcox (who we shall meet again in the Yates case) denied this and stated that he drove Lannon round the neighbourhood looking for Lannon's friend. On this wide discrepancy in evidence, Counsel for the family drew attention to the ...

"... curious fact that the names of the streets they drove through are all listed in P.C. Wilcox's notebook. This was very unusual and would indicate that there was already an internal police investigation into where they had been."(159)

Lannon was kept in police cells for over 11 hours, despite his obvious pain and injuries. No medical assistance was given until he was taken to hospital in the afternoon on the day after his arrest. On this discrepancy, Counsel for the family stated:

"If they had succeeded in keeping him out of the daylight, so his injuries could not be clearly seen in court that day, then they achieved their object in my view." (159)

Taking up this point, Judge Edward-Jones suggested that 'it would have been in the best interests of the

police to call a doctor since it would look worse for them if Lannon was found to be seriously injured'. In reply, Counsel for the family stated:

"That depends on how many times they have got away with it." (160)

During cross-examination at the Crown Court Mrs. Conway admitted that she had known P.C. Wilcox, having met him socially two years previously, but denied that he drank in her pub or visited her home. However, Mrs. Conway's daughter contradicted this by stating under cross-examination that she knew Wilcox as he used to come and deal with any trouble they had at the pub and had often had a drink there. (161)

In the event the case was dismissed. However, without the publicity surrounding the case, generated by the publicity accorded to the other incidents in 'K' Division in the 1970's, the suspicious circumstances relating to the injuries which eventually led to Lannon's death might otherwise have passed unnoticed.

#### HUYTON PARK HOTEL

On the evening of June 15th 1979, officers of Merseyside Police 'K' Division raided the Huyton Park Hotel at about 11.15 p.m. for after-hours drinking. 18 people were arrested and subsequently subjected to beatings from the premises of the pub to the Huyton Police cells. Injuries sustained, most of which have been supported by medical examinations and eye witnesses, included a fractured thumb, damaged kidney, broken noses, cigarette burns,

broken teeth and head wounds along with cuts and bruises caused by punches, kicks and beatings with a wet knotted towel.

These incidents came to national public attention with the death of Jimmy Kelly and the investigative journalism of Rob Rohrer.<sup>(162)</sup> The pub customers made substantial allegations of not only indiscriminate violence by the 'K' Division police on the premises of Huyton Park Hotel, but systematic beatings on arrival at the police station as the detainees were subjected to a run of the gauntlet. Some of the customers were then taken to the showers and ordered to wash themselves. Ned Rogers, a 54 year old labourer refused:

"I thought I was being taken down to be charged. Half way down the detective stops and says "Here you are, go take a shower". I said "No". The next thing, I got hit in the stomach by a uniformed copper. I went down and three of them started kicking me. I got it in the head first." Then Rogers was taken back to his cell and told to wash in the sink. He refused. "I was bleeding but I wasn't having a wash. I saw them take the roller towel down and knotting it at one end. They soaked it in water and the detective who'd arrested me comes straight in swinging the towel and hitting my head from side to side. He was a big fellow. He did it for about a minute or two until he saw the blood coming from my ear."<sup>(163)</sup>

Most of the Huyton Park customers were charged with being drunk and disorderly and released early the following day. Those arrested later appeared before Huyton magistrates. Three of the defendants, David Howells, Terence Roche and Patricia Rogers insisted at the hearing that the police officers appearing against them were not the officers who had arrested and assaulted them. One was found guilty and two were found not guilty of being drunk

and disorderly. Moreover, as Rohrer pointed out:

"During the police evidence it emerged that a number of plain clothes officers had gone on the raid. P.C. Philip Atherton admitted he had gone along in civilian clothes. But why some constables disguised as civilians were needed for a straightforward licensing raid was not explained to the court." (164)

Following Rob Rohrer's articles on these and other incidents in 'K' Division in 1979, and the subsequent public concern, Chief Constable Ken Oxford ordered an enquiry to be conducted by Mr. Gerty of the West Midlands police into 14 separate complaints against the 'K' Division police. Following Mr. Gerty's enquiries, four police officers were charged with perjury, attempting to pervert the course of justice and damaging clothing.<sup>(165)</sup> All four were later acquitted of the charges.

#### EAGLE AND CHILD

The following evening on the 16th June 1979, a confrontation again occurred between police and public outside the Eagle and Child public house in Huyton. Two officers had been attacked and left lying on the ground outside. Members of the Operational Support Unit were brought in. Five men were arrested following the incident and later sentenced to three years imprisonment for affray and assault occasioning actual bodily harm.

One of those jailed, Peter Jeonney, aged 19, was later released following Gerty's investigation by an Appeal Court Judge who stated that the case against Jeonney had been invented. As well as being framed,

Jeonney had been subjected to violent assault on being arrested:

"Richard Crockett, a 17 year old apprentice bricklayer, claims he saw the police officer go up to Jeonney and punch him. Jeonney fell to the ground and several witnesses say they clearly saw him being kicked by a group of officers. Then he was pulled up and, he says, "A uniformed officer hit me right on the nose. It lifted me back onto my feet". His father saw the police van later with his son inside. "I saw one fellow punching Peter around the face", says James Jeonney, "One raised a baton and hit Peter with it. It was a helluva blow. I heard Peter scream."(166)

Jeonney alleged that later at the police station he was tied down by police officers and subjected to beatings with a wet knotted towel and cigarette burns to his body. Jeonney was later taken to hospital by the police "where his arm was put into a sling and his facial and nasal bones X-rayed".(167) Jeonney's screams were heard by other persons held in custody at the time. John Bishop, held over from the Huyton Park incident, heard Jeonney screaming and later:

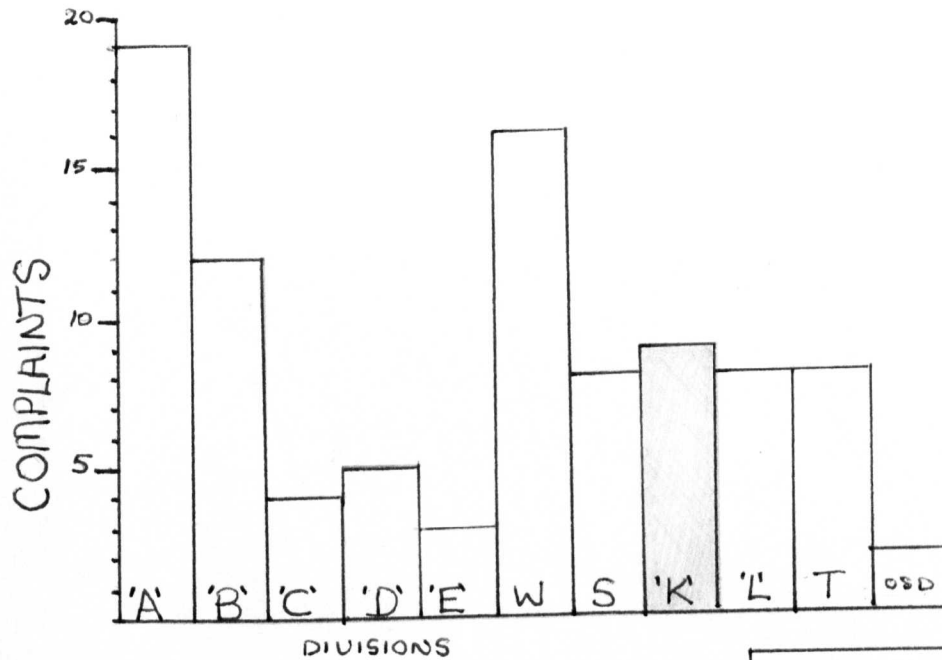
"As he looked out of the cell hatch a passing CID man told him: "He thinks he's tough, that's what he gets for beating up police officers." There was a young kid with his mouth cut who could hardly walk."(168)

Jeonney's screams were also heard by Geoffrey Jones, aged 21, who had been arrested and similarly alleged he's been subjected to violent assault. Four police officers were later charged with perjury offences following Jeonney's release.(169) All the officers were later acquitted of the charges.

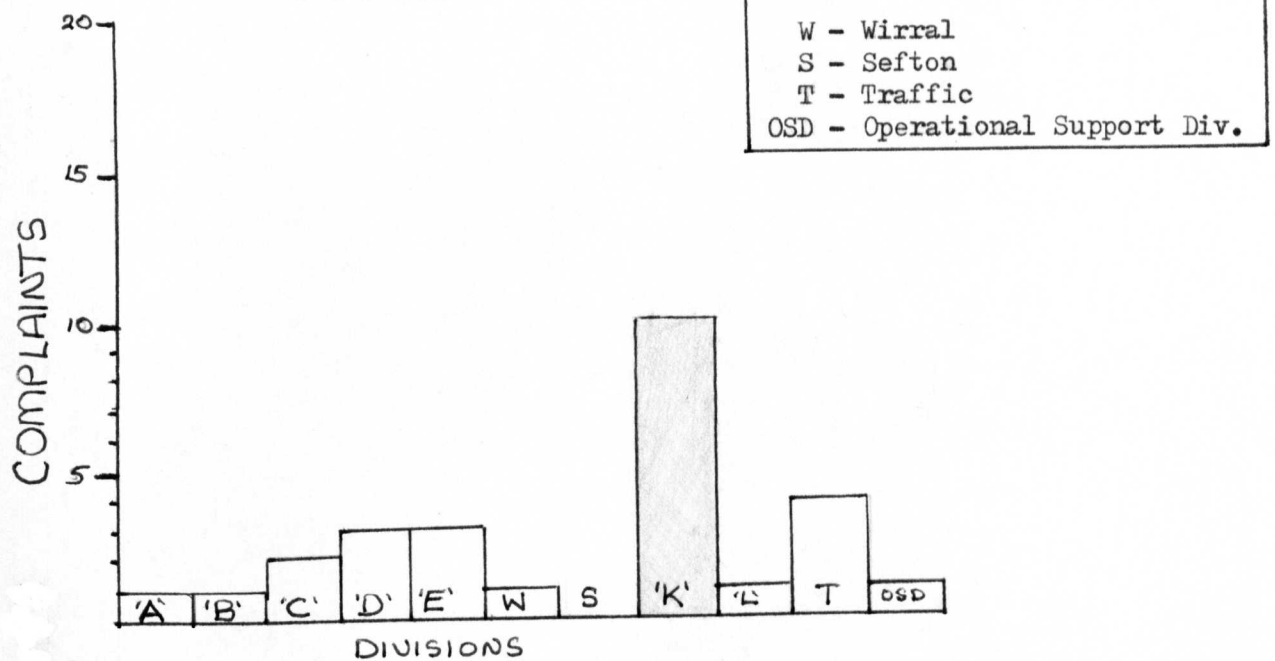


SUBSTANTIATED COMPLAINTS AGAINST MERSEYSIDE POLICE 1979 - 1980

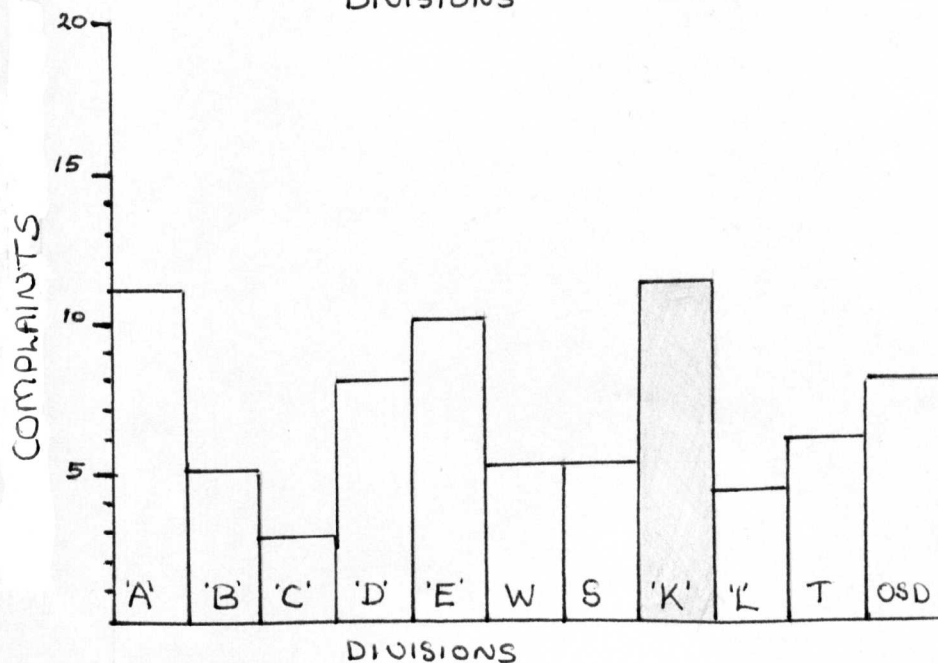
i) 1979



ii) 1980  
(1st. Jan - 31st. July)



iii) 1980



JIMMY KELLY

Following the pub raids in Huyton on the 15th and 16th of June 1979, four days later on the 20th of June 1979 Jimmy Kelly dies in police custody. The police had originally claimed to have found him unconscious on waste land in Huyton. However, numerous eye witnesses testified to the fact that Kelly had been beaten by police officers before being taken to Huyton Police Station where, as it subsequently emerged at the inquest, he had been accidentally dropped on his head whilst being lifted from the police van.

Kelly was returning home from the Oak Tree pub following celebrations concerning the return home of his younger brother from Australia. He was drunk and singing as he crossed waste land between two streets. Eye witnesses stated at the inquest that Kelly had been assaulted by the police. Eddie Kelly, Jimmy's elder brother, recounted eye witness accounts of the incident:

"A police car came up and just knocked him down with the wing. Then police jumped out and grabbed hold of him and tried to put him in the car. He resisted, as most men would. He hadn't done anything. That's when they started batoning him. Then along came a black maria - they always have four or five men inside, we call them the 'heavy gang'. They grabbed him and put the handcuffs on him and pushed him inside. It's only a ten-minute ride to the police station and by the time he got there he was dead."(170)

Following Jimmy Kelly's death, three post mortems were carried out. The first, conducted by Dr. John Benstead (a Home Office pathologist), reported no serious injuries. He had been "handled with kid gloves", Benstead

had stated, and the cause of death was given as heart failure.

A second pathologist, Dr. John Torry, was commissioned by the Kelly family following a visit to the mortuary by Jimmy Kelly's brothers who notice bruised and grazes on his body. On examining Kelly's body, Dr. Torry discovered that Kelly had in fact sustained multiple injuries including a double fracture of the jaw, and concluded that these were consistent with a severe beating. These serious injuries were confirmed by Professor Alan Usher of Sheffield University, the third pathologist commissioned by the Chief Constable, Kenneth Oxford.

It was arising from the revelation of Kelly's serious injuries that the Jimmy Kelly Action Committee was formed by members and friends of the Kelly family. And it was their efforts which ultimately succeeded in making the death of Jimmy Kelly an issue of national and even international concern. And moreover, behind the Kelly Action Committee stood not the subversive phantoms of the bourgeois press but the working class community of Huyton, alarmed by the increasing use of violence and harassment by the 'K' Division police. The Jimmy Kelly Action Committee subsequently took a leading role in campaigning against the malignant repressive policing experienced in Huyton. Support from other communities in 'K' Division was soon to follow.

The inquest into Jimmy Kelly's death, held at Whiston Council Chambers, lasted sixteen days (as opposed to a few

hours for most cases of deaths in custody where many relatives have not even had the privilege of a solicitor to represent them. From start to finish it was essentially a police operation. As Rob Rohrer noted:

"The family's Counsel also recommended strong complaints about the police presence during the inquest; not only were the Coroner's officers from 'K' Division, the same division as the arresting officers, but car-park attendants, door-keepers, ushers, jury bailiffs and jury escorts were all police officers. Senior police officers sat within feet of witnesses as they gave evidence (on the first day Merseyside's Chief Constable in full uniform was so close he could have tapped witnesses on the shoulder)." (171)

By the time the inquest had begun, on the 25th March 1980, it was clear that the Merseyside Police, along with the D.P.P., Home Office and Coroner's Court, had decided to suppress key evidence concerning Kelly's death in an effort to whitewash the whole affair. The D.P.P. had decided against criminal proceedings on the grounds that there was insufficient evidence against any of the officers involved - thereby legitimating the suppression of key evidence on the grounds of privilege. As Tommy Banks, chairman of the Kelly Action Committee commented at the time:

"How much evidence do they need? There are five witnesses willing to swear in court that they saw two police officers knock Mr. Kelly to the ground using their police car, attack him with their fists and feet and an unidentified object from the boot of the car, while throughout the attack Mr. Kelly did not retaliate. The eye witness statements correspond with (the independent pathologist) Dr. Torry's report, when he says a heavy blunt instrument, a bar, was used on Mr. Kelly. Gerty (the West Midlands officer in charge of the police inquiry into the Kelly case) did build our hopes up - he told us we had nothing at all to worry about, everything was going in our favour. But we should not have been taken in." (172)

Given that the investigation was being conducted by the police themselves, the Kelly family had in effect little choice in the matter. Indeed, as Tommy Banks pointed out, they have been forewarned by one sympathetic person of what to expect from such investigations:

"We had Mrs. Towers' letter, the mother of Liddle Towers, who wrote that the police told her they would 'leave no stone unturned' to bring those responsible to justice - and the verdict was 'justifiable homicide'.(173)

On the death of Jimmy Kelly, the coroner's jury of eleven men, carefully selected by the coroner's officer - a 'K' Division police officer - returned a verdict of 'misadventure'; a verdict sufficiently ambiguous to allow the Home Secretary William Whitelaw to announce that there were no grounds for a public inquiry.(174) All the officers involved had effectively been exonerated.

#### YATES FAMILY

Six weeks after the death of Jimmy Kelly, the fourth major incident occurred in the series of police-public confrontations in 'K' Division during 1979. Police officers had responded to a call arising from a dispute between two families on the Kingsway estate in Prescot. Police interventions in such situations have proved a regular aspect of policing working class communities. In terms of how the police intervene into domestic disputes or conflict between neighbours may be dependent on a multitude of factors specific to the incident. Enforcement

policy at such times may prove a decisive factor in determining the outcome.

Writing in 1969, at a time when most police forces had only just begun to develop new forms of reactive policing such as Task Forces and the Panda car systems, John Lambert, in an article entitled 'The police can choose' presented the ideal-type mode of police intervention in such disputes:

"Custom and tradition suggest a number of techniques. A very common one is a plain denial of competence - "This is not a police matter" - followed by a plea for calm and reason, sometimes supported by a warning about breaching the peace. The police task is to get the disputants to behave reasonably. The presence of an authoritarian stranger, a few words of advice, a warning, some reassurance, are all the sanctions possible." (175)

Following a call the previous evening arising from the dispute on the Kingsway estate, the police were called again the next evening, receiving a complaint over the noise from a new resident's party. The Yates family, who were the original complainants, were arrested and subjected to indiscriminate assault. Steven Yates, aged 24, stated that he was handcuffed and beaten as he was taken to the police car. One witness stated:

"They had him by his hair and they were kicking and punching him. I was sickened by it." (176)

Another witness from a neighbouring house also saw his arrest:

"The lad had handcuffs on and one policeman brought his knee up between his legs. He just doubled up. It looked like they came looking for trouble." (177)

The next to be arrested was Stephen Yates' father, Harry Yates. This was witnessed by another neighbour:

"I saw them kicking Harry Yates. Harry wasn't moving at all on the ground. They were kicking him pretty hard. I went over to a policewoman and asked, "Can't you stop them?" She said - "It's not me kicking him." She had a smirk on her face, and walked away. I was absolutely shocked." (178)

The third member of the family to be arrested was Mrs. Betty Yates who subsequently spent four days in hospital following police assault. Mrs. Yates described to Rob Rohrer how she sustained extensive bruising across her right groin, back, arms and wrist:

"I'd seen my husband being dragged away and they were kicking Stephen. Then they were banging the car door against him. As I ran towards the policeman he gave me a hell of a kick. It sent me flying. I thought my hysterectomy scar had opened up." (179)

The only member of the family present not arrested was the Yates' 12 year old daughter who was left behind with neighbours. The three were charged with assault, criminal damage and destruction. The Chief Constable, Kenneth Oxford, in a special report to the Police Committee on the 'K' Division incidents, outlined the legal outcome of the affair:

"Complaints were received from the Yates family that they had been subjected to unnecessary violence and abuse at the hands of the arresting officers. Following reference of the papers to the Director of Public Prosecutions, criminal proceedings against members of the Yates family arising from the incident in Wilson Road were not pursued. The Director did not consider the evidence sufficient to justify criminal proceedings against any police officer. The papers were then forwarded to the Police Complaints Board who accepted the Chief Constable's conclusion that disciplinary proceedings not be instituted in this case." (180)

MICHAEL CAVANAGH

On the 25th August 1979 Michael Cavanagh (19) was arrested by police officers of the Kirkby Sub-Division for gambling in the street. In the course of his arrest Cavanagh suffered severe injuries including several fractured ribs and subsequent removal of his spleen and a kidney during a five-hour operation. Cavanagh stated that, prior to his hospitalisation, he had suffered three hours of agony in Kirkby police station before being released. (181)

When police raided the dice game outside a betting shop in Kirkby, Cavanagh made a run for it but tripped and fell. (182) Cavanagh then claimed one of the officers fell heavily on top of him. He was placed under arrest, but while the two officers were holding him, he alleged, a uniformed officer approached and kicked him twice. (183)

Unfortunately for Cavanagh, there were no independent witnesses to the assaults and he was later fined £10 for gambling. (184) A consultant who examined Cavanagh's injuries had stated that they were not caused by the fall. (185)

Michael's father, Joseph Cavanagh, made an official complaint against the police, whereupon it became the fifth separate incident in a seven-week period involving allegations of brutality by the Knowsley police. However, the D.P.P. ruled that there was insufficient evidence on which to prosecute the police officers involved.



Three weeks after Cavanagh's release from hospital he was drinking at the Woodpecker pub in Kirkby when 'a riot' took place and police officers were called to clear late drinkers. Cavanagh is alleged by the police to have urged a stone-throwing mob to attack police, telling the crowd - "Those bastards have my kidney - get them." (186) Cavanagh (still recovering from his injuries) it was claimed, had assaulted police during the confrontation. He was taken to court, found guilty and sentenced to three months in a detention centre. Passing sentence, the magistrates' chairperson said:

"The bench is determined that violence against the police will be dealt with with a custodial sentence." (187)

#### THE GERTY REPORT

Following widespread public concern over the repeated allegations of brutality by the 'K' Division police during the summer months of 1979, the Chief Constable, "having reviewed the broad nature of the allegations", decided to bring in police officers from the West Midlands Constabulary to conduct an external investigation of the complaints:

"Accordingly, with the approval and support of the Chief Constable of the West Midlands Police, Mr. David Gerty, an Assistant Chief Constable of that Force was approached with instructions to investigate the circumstances leading to the death of James Kelly; the complaint of assault made by Michael Cavanagh and the allegations contained in "The New Statesman" article of the 24th August 1979." (188)

Having announced the appointment of an external police investigator to deal with the complaints, the Chief

Constable was then able to sit tight and ride the storm of mounting criticism concerning the policing of 'K' Division and fend off attempts by the Police Committee to make the Chief Constable accountable for the actions of his Force:

"The Chief Constable now considers it his duty and responsibility to await the outcome of this investigation until all the facts are available; further, as far as possible to ignore the one-sided trial of the Merseyside Police, which is contrary to natural justice currently being conducted by certain sections of the media with the connivance of others of dubious political intent."(189)

By September 1980 David Gerty of the West Midlands police had completed his investigations into complaints against 'K' Division police officers and handed his report to the Chief Constable. Upon the completion of the Gerty Report, further confrontation arose between the Chief Constable and the Police Committee over disclosure of the report. The refusal of the Chief Constable to submit the report further reaffirmed the Police Committee's inability to make the Chief Constable accountable for his actions and fuelled widespread allegations of a cover-up.

In each case, Gerty's report was forwarded to the Director of Public Prosecutions. Criminal proceedings were rejected in the cases of Jimmy Kelly, Michael Cavanagh and Mrs. Elizabeth Yates and police officers charged over the incidents at the Huyton Park Hotel and Eagle and Child public house were later acquitted. As the Gerty Report has never been disclosed, we have only to accept the Chief Constable's word that the investigation was thorough and efficient. As Mr. Oxford stated:

"From all the foregoing facts it will be seen that a most searching investigation by a team of experienced police officers under the command of an Assistant Chief Constable has been carried out in each case. The reports have been subjected to the scrutiny of two independent bodies (D.P.P. and Police Complaints Board) and additionally in the Kelly case to a public inquiry namely a Coroner's Inquest, of a magnitude never previously encountered on Merseyside. As reported earlier... the whole inquiry has been the subject of oversight (SIC) by the Chief Constable."(190)

We may draw three salient points from the Chief Constable's statement: Firstly, concerning the independent scrutiny of the report - it is not the function of the D.P.P. to assess the quality, accuracy or thoroughness of police reports dealing with complaints, but to decide on the basis of the evidence presented the percentage chance as to whether a jury would return a guilty verdict if a prosecution was proceeded with. A similar position applies to the Complaints Board who, on the grounds of 'double jeopardy', will not take disciplinary proceedings against police officers if criminal proceedings have already been considered and no new evidence has come to light. Secondly to state that in the Kelly case, the Gerty Report was subjected to the scrutiny of the Coroner's Inquest is extremely misleading. Throughout the entire course of the Kelly Inquest, the Chief Constable refused to disclose the Gerty Report, police and civilian witness statements, and a large chunk of the Report of the third pathologist commissioned by the Chief Constable. What this meant in practice was that it was entirely at the discretion of the Chief Constable as to what evidence he was prepared to offer the Inquest from the police investigation. Thus the Gerty Report was not disclosed to the Court; Counsel for the Chief Constable had sole access

to the report and the other documents. Thirdly, an Inquest is not a 'public inquiry' within the meaning of the 1964 Police Act. (191)

Doubts concerning the efficiency of Gerty's Report and investigation continued after the Kelly Inquest had finished. Moreover, it later emerged that one of the officers suspended over the Huyton Park Hotel incident had been 'responsible for interviewing vital witnesses in the Jimmy Kelly case'. (192) The implications of this fact were pursued by Rob Rohrer:

"West Midlands Assistant Chief Constable David Gerty was appointed to investigate the 'New Statesman' reports last year. It emerged, however, that his inquiries into the Kelly case - reported to the D.P.P. - depended heavily on the Merseyside Police's own investigations. Some eye witnesses interviewed by the officer who has now been suspended were not seen by Gerty's team: instead their later statements to Merseyside Police officers were re-typed onto West Midlands statement forms. At the Kelly Inquest Gerty asserted that one woman witness, whose account was as unshaken by rigorous cross-examination, was either a liar or 'grossly mistaken': Gerty's man had not only failed to interview the woman and her husband, but had also not bothered to check their line of vision." (193)

The witness in question, Mrs. Pauline Gilbert, had given evidence in which she stated she saw Jimmy Kelly kicked at the side of his body, whereas medical evidence found injuries to his back rather than his side. On this basis Gerty decided against interviewing Mrs. Gilbert. Counsel for the family, Mr. Gilbert Gray QC, took up the point during cross-examination of Gerty at the inquest:

- Q. ... Let me ask you this. Did you ever go to the Gilbert's house?
- A. No, sir.
- Q. Did you ever go up into either of those back rooms to look out?
- A. No, sir.
- Q. If you are dealing with a criminal and he has made a statement or two statements that may leave ambiguities, or loose ends, would you go back to clear them up?
- A. There were no ambiguities in what they were saying. They were very definite and specific and I did not believe them.
- Q. Even though you had never seen them?
- A. Yes, sir.
- Q. Is this the attitude, do you think, Mr. Gerty, of a responsible senior officer to get a statement and say, "I will not go to their house. I will not see them. I will pronounce them as unreliable? Is that the information, the quality, that is fed to the D.P.P. by you?
- A. I made no such observation. The evidence was clear on its own, sir, and it was done for the reasons I have said it was done and that was a conscious decision at the time, taken after a great deal of thought. (194)
- Counsel for the family then turned to the question of re-typing of the statements and their submission to the D.P.P.
- Q. If the Director comes to get statements from the Gilberts on West Midlands paper?
- A. Yes, sir.
- Q. He may get the impression that those statements have been taken by investigation officers in the West Midlands' Force?
- A. Unless I make reference to it in my report, sir.
- Q. Just let's look, for example, at one that comes to hand. Pauline Gilbert, nee Jones. How, you did not take that statement, did you?
- A. No, sir.

- Q. What is it headed? Which Police Force?
- A. Where, sir?
- Q. At the top of the sheet?
- A. West Midlands Police sir.
- Q. Thank you. Well, why is it headed 'West Midlands Police'?
- A. Because I am from the West Midlands, sir.
- Q. But you did not take the statement?
- A. Well, that does not matter, sir.
- Q. There was the statement as plain as life on the Merseyside form, wasn't it?
- A. Yes, sir, I can't see what you are driving at, sir.
- Q. I am wondering why it was not sent off on the Merseyside form and was copied onto West Midlands Police forms?
- A. Very likely because I didn't like the typing and the way it had been done so for the sake of neatness and tidiness it was re-typed.
- Q. So, without having visited the Gilberts, without having spoken to either of them, without having done any check as to their personality, background or character, you decided that certainly Mrs. Gilbert was dishonest, right?
- A. What she was going to say in evidence, sir, was not backed up - either medically or by other witnesses and was totally wrong. She had appeared before the Court and I still say she is wrong.
- Q. Yes, but you see?
- A. And that was the reason why I came to that decision at that time.(195)

In giving evidence to the Inquest, Gerty also claimed privilege on the contents of the report and thus no means was provided for testing its reliability and efficiency. However, during his enquiries Gerty had promised to disclose his report on completion to the Kelly family and to their solicitors.(196) A letter to the D.P.P.

from the solicitors of the Kelly family referred to this point:

"We refer to the above matter and your decision in this case not to recommend the prosecution of any police officers. As you are no doubt aware we gave assistance to Mr. Gerty, Assistant Chief Constable of the West Midlands Police, the investigating officer in this case. During the course of those investigations Mr. Gerty indicated to us he would be recommending to you that his report on these inquiries should be disclosed to ourselves, as Solicitors for the family of James Kelly. Could you please indicate to us whether you are prepared to disclose a copy of that report to us, and if not, your reasons for not doing so."(197)

The D.P.P.'s reply (7/1/80) merely re-affirmed his decision not to pursue criminal proceedings against any police officer.

Gerty's report was, in effect, a report on the policing of 'K' Division, six years after the creation of the Division through reorganisation in 1974. Unlike the Chapple Report of 1975, it has never been publicly disclosed and reference can only be made to its terms of reference and impact on the operation of the police complaints procedure in 'K' Division. Whereas the Chapple Report set out to assess the development of policing in one sub-division and was compiled by a police officer who became Chief Superintendent of 'K' Division, the Gerty Report was compiled by a senior police officer brought in from outside Merseyside with specific terms of reference to investigate complaints against Knowsley police officers. In this respect, the Chapple Report marked a consolidation of new forms of reactive policing pioneered in the Kirkby sub-division and the formation of law enforcement policies

for policing the Knowsley communities, whereas the Gerty Report was commissioned to investigate complaints from members of the community, four years, later, arising from the impact of such forms of policing and law enforcement policy. 1979 marked a watershed in the policing of 'K' Division; it represented the culmination of developments in forms of policing which operated outside any system of popular or democratic scrutiny and control, and which carried a reactionary ideological underpinning in policies designed to discipline and repress working class communities in Knowsley.

Although it may be said that the Gerty Report had highlighted police misconduct in some of the confrontations of 1979, it must be understood that the fact that these cases achieved widespread publicity was due more to community campaigning and the investigative journalism of Rob Rohrer than any real effective workability of the police complaints system. The non-disclosure of the Gerty Report along with other instances of the exercise of autonomous power by the Chief Constable underlined the extent to which any lingering elements or avenues of political and legal accountability were made redundant in the wake of the establishment cover-up of police brutality in the Kelly case and others. The Home Office, D.P.P., Chief Constable and Coroner all played their respective parts in ensuring the suppression of key evidence to the surrogate public inquiry - a shot-gun marriage of the complaints system and coroner's inquest into the death of Jimmy Kelly.



Although the pattern of major incidents subsided following adverse publicity on policing in 'K' Division and the commissioning of an 'external' investigation, the kind of day-to-day cases of minor harassment, particularly of youth, continued - regardless of the structural dismantling of 'K' Division through further reorganisation. We can only assume that the contents of the Gerty Report were directed towards specific cases of complaint rather than any examination of the underlying causes of such incidents which lay in the character of the policing strategies employed and the law enforcement policies they reflected. Either way, the Gerty Report did little to effect any change in the character of policing in 'K' Division, as the following cases illustrate.

#### THE ARREST OF BRYAN TRAYNOR

Five weeks after the Inquest into the death of Jimmy Kelly, Bryan Traynor (21) was arrested on the evening of 23rd/24th May 1980 in Huyton, charged with actual bodily harm against two police officers. Earlier that day Traynor had attended the wedding of his brother Kevin and later attended a party at a flat in York Road, Huyton, held in honour of the newlyweds. Whilst Traynor was in the kitchen of the flat getting a drink, an argument had broken out in the living room. Those involved moved from the living room into the hall and out into the street where a scuffle began. Traynor joined a crowd of people who successfully ejected the trouble-makers from the party and returned to the flat. During the eviction of the gate-crashers Traynor had lost some money from the pockets of

his trousers and returned to the street to pick up his money.

As Traynor was picking up his money two police cars and a black maria arrived on the scene in response to a radio message reporting a complaint of a disturbance. Traynor's description to the court of the subsequent events which took place was as follows:

"I returned to the street and as I was picking up the money two police cars and a black police van pulled up to the kerb. One of the officers stepped out of the police car. I do not know which car as I was looking down. He told me to "fuck off". I told the officer I was just picking my money up. My two sisters were assisting me at the time. I was told again to "beat it". I said I am only in the flat and he said "That's it" and he grabbed hold of me and threw me into the van."(198)

Traynor's arrest was observed by several witnesses, including his sister Karen:

"By the time I had left the flat to see what was happening my brother Bryan had already been arrested and was put in the back of a police van. But then I saw that a constable had hold of my sister Noreen over by the police van, so I went over to Noreen, who was very upset because she had watched them arrest Bryan and saw them put him into the police van. Then another constable got hold of me and was going to put me in the back of the police van, but someone said to him that I had only just been married and to leave me alone, which then he let go of me and told us to get back into the flat."(199)

As Traynor was taken to the police van a struggle took place:

"At this time the police officer had hold of me, my hand was forced behind my back and he pulled me into the van. All my back was scraped along the floor of the van and I sustained several cuts and abrasions. I had been in the van for a few seconds when a second officer climbed in. I was man-handled and abused and forced to wear handcuffs. I was then taken to the police station."(200)

At Huyton police station, Traynor alleged he was pushed to the floor of the charge room, roughly frisked and then taken to a cell where he was left handcuffed for three hours. Traynor was released the following morning and made his way to Whiston Hospital to have his injuries seen to.

The police version of the events took a rather different line. Sergeant Parkinson stated to the court that on arrival at the scene he saw Traynor shouting and staggering about in the middle of the road. Parkinson stated, he approached Traynor and told him to be quiet and move along, to which Traynor was alleged to have replied: "I'll go where I fucking like." Parkinson claimed he then told him to be quiet; Traynor was 'waving his arms about' and trying to 'avoid the female who was attempting to restrain him'. He was then alleged to have shouted: "You can't fucking tell me what to do."

Parkinson decided Traynor was drunk:

"I saw that Traynor was unsteady on his feet, his eyes were glazed, his breath smelled strongly of alcohol and his speech had been noticeably slurred; he was, in fact, drunk."(201)

Parkinson then 'took hold of Traynor's arm' and arrested him. Parkinson was 'assisted' by P.C.s Brougham, Caton and Lawson in the struggle that ensued to get Traynor into the van. In the course of the struggle, Sergeant Parkinson claimed that Traynor kicked him twice in the chest, but later decided he did not feel sufficiently unwell to consult a doctor. P.C. Brougham stated that Traynor had punched him in the mouth. Later examination

by a police surgeon showed 'that he had a slight swelling of the upper lip and the upper gum margin had been bleeding. No treatment was required'.<sup>(202)</sup> Medical examination of Bryan Traynor showed 'a haematoma to the scalp sited over the occipital region', 'minor haemorrhagic patches' on the neck, 'two separate areas of abrasions' to the left elbow, a swollen wrist requiring a supportive bandage and 'a large area consisting of separate abrasions to the sacrum' which were cleaned and dressed. Traynor was advised to return the following week for dressings to his abrasions, after which 'he was then discharged back to his own G.P. for further dressings and follow-up'.<sup>(203)</sup>

Traynor was found not guilty of the charges on November 18th 1980 at Liverpool Crown Court.

The manner and character of the police intervention and the arrest of Traynor illustrated the continuation of abrasive reactive policing policy in 'K' Division only weeks after national publicity over the Kelly Inquest in Knowsley. However, the pattern of events in 'K' Division between 1974 and 1980, and particularly in 1979, whilst reflecting other confrontations between police and public in other areas of the country at that time, highlighted issues of wider public concern, most particularly in this respect the steady rise in the number of persons dying in police custody. The death of Blair Peach during police repression of an anti-fascist demonstration in Southall and the death of Jimmy Kelly in police custody at Huyton police station in 1979 illustrated the extent to which the police force in Britain had consolidated a greater

capacity to exercise power with a wider political autonomy from any forum to which they could be brought to public account. On Merseyside, the Police Committee began to grasp the implications of the fact that they had no control or influence whatsoever over operational matters, the definition of which rested with the Chief Constable. The Coroner who presided over the Kelly Inquest, Mr. Ronald Lloyd, announced his determination that his court was not going to be transformed into a circus and promptly issued tickets to the press and public. Home Secretary William Whitelaw, who found himself under political pressure to instigate public inquiries into the Southall and 'K' Division incidents, under the procedures of the 1964 Police Act, transformed the humble coroner's court into a surrogate public inquiry by stating that he would await the outcome of the inquest before considering the demand for a public inquiry. As Phil Scraton pointed out:

"This decision, probably more than any other single factor, elevated the inquest to an inappropriate level. The Coroner's Court, whose function it is only to decide on the cause of death and not to rule on criminal or civil liability, thus became the forum in which the complaint against the police was to be tested."(204)

#### THE GUY FAMILY (205)

On the morning of Thursday, 12th January 1984, Huyton Magistrates heard charges of assault on police officers and criminal damage to a watch made against members of the Guy family of Glendevon Road, Huyton.

At around midnight on Thursday 18th August 1983,

Richard Guy (20) left his house in Glendevon Road, Huyton, to escort his girlfriend home. On his returning home, Richard started to jog through a local park leading to the bottom of his road. As he approached the edge of the park a policewoman stepped out from behind a bush and Richard stopped running. The policewoman asked him what he was running from. Richard replied 'nothing'. She then asked him why he had stopped running and he replied that he was 'out of breath'. She then asked 'what did you throw away?', to which Richard replied 'nothing', and she then asked him what was in his pockets, to which Richard replied 'money'. The policewoman then asked Richard to empty his pockets and he declined. Richard was then asked if he was refusing to be searched, to which he replied: "No, I only live up the road, if you want to search me come to my house."

Like many youth living in the Huyton area Richard was wary of being searched by the police, particularly as only a few weeks earlier he had been stopped by police and asked to empty his pockets, whereupon he alleged a police officer had knocked the money held in his outstretched hands to the ground.

In court, the policewoman, P.C. Murray, claimed that she saw Richard running through the park and asked him to stop. P.C. Murray stated that she then took hold of Richard's arm whereupon the defendant struggled, hit her in the mouth and ran off. The policewoman admitted that she did not say Richard was under arrest, but claimed she did not intend to search him, although she had not said so. She denied that Richard had offered to be searched

at home.

Richard continued to walk to his house a few doors down the road arguing with the policewoman. As they approached the house the argument was heard by Richard's parents and younger brother who were in bed. The father, George Guy (41) and youngest son James (14) left their beds and went downstairs to the front door. Richard asked 'do I live here?', to which the father replied 'yes' and asked what was going on. Richard then emptied his pockets and showed the money in his hand.

Mrs. Guy (41) and the older brother Norman (23) had by then joined the group outside the front door. The mother asked what was going on and the policewoman replied that Richard was under arrest. Mrs. Guy asked why and received no reply. The policewoman was repeatedly asked by Richard's father and mother what he'd done - pointing out that he had been at home all evening with his girlfriend. P.C. Janice Murray then stepped into the road and radioed for assistance. She was approached by Mr. and Mrs. Guy who invited the constable into the house for a cup of tea and to straighten things out.

This was all ignored by the constable and about two minutes later following the radio call a police car arrived at the scene, followed moments later by more police cars and police vans. When the first car arrived, a policeman jumped out and ran towards the group. The policewoman pointed to Richard and said "I want him". The policeman then ran straight up to Richard and punched him on the side of the head causing him to fall to the ground.

At this point Richard's parents and brothers stated they became bewildered and frightened by the whole incident and repeatedly asked what was going on.

Richard's father was then referred to by another constable arriving at the scene as 'another clever bastard' and subsequently grabbed around the neck and legs by two police officers and fell to the ground. Richard's eldest brother Norman was also grabbed by police officers and pulled by his hair into the garden over the rose bushes. He was punched in the face and hit with a truncheon by a senior police officer.

At around this point Mrs. Guy and her youngest son, both in a state of distress, went from one constable to another, pleading with them to stop. Mrs. Guy stated she was simply thrown aside and told to "fuck off". She was called "a whore" and a "fucking slag".

James (14), the youngest of the family, was then grabbed by a police officer who twisted his arm up his back causing the small boy extreme pain. He was then taken towards a police van, but a policewoman intervened and said that he was too young. With this the policeman gave James' arm one last heave and let go. James fell to the floor crying out in pain. James was later taken to hospital with a suspected fractured wrist. The injury was dressed and a later X-ray examination showed that the wrist was not broken but had suffered severe internal bleeding from burst blood vessels, requiring a splint and plaster.



In the police version of the events of that evening, Constables Murray, Baker, Rouse and Sergeant Curtin claimed that they had been assaulted by Richard's father and brother in their attempt to arrest him. P.C. Rouse stated that he saw P.C. Murray with the family in the front garden and went to assist her in the arrest of Richard. Rouse claims he was then assaulted by the father who had taken hold of him by a head-lock. With the help of other police officers the Guys were 'restrained' and taken to the police van. However the Guy family claimed that on the arrival of P.C. Rouse, the policewoman was nowhere near them in the front garden but was standing on the path outside where she had remained since radioing for assistance.

The police officers were later seen by a police surgeon and treated for superficial scratches. All were declared fit to continue their duties. George, Richard and Norman were held for six hours at Huyton police station. They were charged with assaulting the police. At around 3.00 a.m. in the morning they were treated for numerous scratches and bruises by the police surgeon with the recommendation that the injuries be further examined at hospital. They were released later at around 7.05 a.m.

All three were found guilty by the magistrates after a four-hour trial and fined £75 each for assault. In addition Richard was ordered to pay £18 costs for the damage to P.C. Rouse's watch.

As the Guy case illustrated, the disbandment of 'K' Division in the early 1980's through reorganisation and

further centralisation did little to noticeably change the policing strategies employed in the area. Harassment of youth for example, as Richard Guy's experience illustrated, remained a regular feature of policing in the Knowsley area.

### Conclusion

A critical examination of the formation of 'K' Division in the mid-seventies reveals several processes which have been crucial in determining the character and forms of policing in the area. Of central importance to this has been the identification of wider developments in the corporate organisation of Merseyside Police. These wider developments, such as the expansion in the power and political autonomy of the Chief Constable, the context of the amalgamations and reorganisations of the late sixties and seventies, the expansion of administration and bureaucracy and capital-intensive investment programmes, formed the context of police organisation in 'K' Division.

These movements effectively facilitated the centralisation of police organisation under corporate managerial control. The process led to greater centralised control over operations diminishing the traditional character of policing as a local service. In this respect, corporate organisation, combined with modern communications systems, facilitated the development of Unit Beat Policing in 'K' Division with emphasis on mobility and reactive response to incidents.

The formation of task forces, better known as SPGs, under the centralised control of the corporate management also formed a significant contribution to the development of new forms of reactive policing in 'K' Division. Based at 'K' Division Headquarters at Knowsley Hall, but under the central command of the corporate management, the Northern Task Force, operated as a mobile division outside of the organisational structures of the four territorial divisions which comprised its patrol area. Again, this new form of reactive policing, which increasingly assumed paramilitary characteristics, also significantly contributed to the redundancy of policing as a local service in the 1970's.

Centralisation and corporate organisation during the 1970's not only formed the basis of developments in new forms of policing but also in the development of a corporate ideology as expressed in the formation and implementation of law enforcement policy at the sub-divisional, divisional and corporate management levels of the Merseyside Police Force. For the corporate management, and Police Authority, 'K' Division (and in particular the Kirkby Sub-Division) was, from the time of its formation, given detailed attention in forms of its social conditions and its policing requirements, as was revealed in numerous reports compiled on policing in the area.

As the cases of Cavanagh, Traynor and Guy have indicated, policing in 'K' Division during the late 70's and early 80's had assumed an abrasive and reactive form,

emphasising law enforcement policies which induced a more conspicuous and coercive approach to the policing of youth on the streets.

Similarly, the development of more stringent law enforcement policies to deal with working class drinking encouraged a more systematic and coercive policing of pub licensing hours and patrons. As the Eagle and Child, Huyton Park and Jimmy Kelly incidents suggest, these cases were not unrelated, but reflected a pattern of interconnected instances of confrontation arising from the implementation of specific coercive policies on drinking.

Corporate management of policing has given greater political autonomy to senior police chiefs in the formulation and implementation of law enforcement policy for police forces. This political control of law enforcement policy and policing strategies by chief constables and their senior commanders has also through the erosion of local democracy and corporate centralisation, resulted in the expansion of the power of the police into other law enforcement processes within the legal system.

Part 3 will begin by examining specific legal and political aspects of the investigation and inquest into the death of Jimmy Kelly in Huyton Police Station which illustrated the power of the police in manipulating the Coroner's Court in order to place restrictions on presentation of evidence and obstruct the inquiry into the cause and circumstances of his death.

PART 3

THE POLITICS OF LAW ENFORCEMENT

IN THE 1980's

1) THE JIMMY KELLY CASE

I. Complaints Procedure and the Jimmy Kelly Case

The series of confrontations between the 'K' Division police and working class communities in Knowsley made a significant impact on rates of substantiated complaints against the police. Statistics on complaints given to the Police Committee by the Merseyside Police tend however to be rather ambiguous. General figures are given for recorded 'cases', with each case representing 'a single investigation carried out by an investigating officer into one incident or group of incidents complained of by one or more persons' - along with figures based on recorded separate items of complaint in a given case. Thus, in 1979 there were 808 recorded cases involving 1,672 items of complaint against Merseyside Police Officers. In 1980 there were 777 recorded cases including 1,638 separate items of complaint.'

No breakdown is provided of these figures per division and thus we are unable to assess rates of recorded complaints in separate divisions, nor also the types of complaints made. However, what we are provided with are rates of substantiated complaints against the police per division which are itemised into types of complaint. During the first seven months of 1980, from January to July, there appeared a sharp rise in the number of substantiated complaints against 'K' Division police

officers. For 1979, if we compare 'K' Division with the other divisional areas<sup>2</sup> we find that 'K' Division's total of 9 substantiated complaints approximates an overall divisional average of 9.3. However, if we examine the figures for 1980 as a whole we find that 'K' Division's total of 11 substantiated complaints greatly exceeds an average of 6.8 for all divisional areas in that year. Much of this increase occurred in the first seven months of the year, where total substantiated complaints reached a figure of 10 as compared with an average of 2.4 for all divisional areas including 'K' Division.

The reasons for these sharp movements in the numbers of substantiated complaints during 1980 are not clear. Most of the allegations of brutality in 1979 were recorded as complaints in that year and moreover none were considered substantiated by the police. Also, as clearly illustrated with the Traynor case in the last chapter, complaints against police misconduct are not always made. However, given that the Kelly case was receiving widespread publicity during the first few months of 1980, including the inquest held during March and April, it is possible that this factor may have encouraged a greater willingness amongst the public of Knowsley to forward complaints of police misconduct. A breakdown of the figure reveals: 4 items of complaint concerned with 'neglect'; 5 of 'irregularity'; 1 of 'property'; and 1 complaint classified under the heading 'others' (see Table I). In terms of a critical analysis of the question of police accountability and the complaints system, such statistics as are compiled by the police (taking into

account factors such as biased police investigation, discretion over presentation of reports, D.P.P. reluctance to prosecute police officers) give little indication of the degree of thoroughness and accuracy of police investigations of complaints against themselves. Each stage of the procedure weighs against prospective complainants and thereby re-affirms the autonomous political power exercised by the police in the absence of any effective institution of democratic control with counter-posed powers of law enforcement. This position was clearly illustrated with the death in custody of Jimmy Kelly - in relation to the mechanics of the complaints procedure, the police manipulation of the Coroner's inquest through the engineering of a legalistic smokescreen, and through the total inability of the Police Committee to bring the Chief Constable to account for policing policy in 'K' Division.

The present complaints procedure is outlined in a leaflet published by the Home Office and available on request at local police stations. Entitled 'Police and Public: Complaints against the Police', the leaflet is based on the 1964 and 1976 Police Acts. It provides a useful framework of the system from which we can draw a critique of its most salient features as applied to the complaints procedure in general and the Kelly case in particular.

Following the filing and recording of the Kelly family's complaint against the police officers involved in Jimmy Kelly's arrest and subsequent death, the Merseyside Chief Constable, Kenneth Oxford, ordered an



investigation into the allegations concerned. Section 49 of the Police Act 1964 requires that the investigation of complaints be conducted by an officer of minimum rank of superintendent; the responsibility for action following the result of each investigation rests with the deputy chief constable (or a senior officer in the Metropolitan or City of London Police). Chief Superintendent Turner subsequently conducted the internal investigation into the Kelly family's complaint.

Complaints are made either in writing to the Chief Constable (if the complaint is against the Chief Constable it is sent to the police authority), or the complainant calls at the local police station to make the complaint. This aspect of the procedure can obviously be intimidating to the complainant as there is no other way in which a complaint may be made and investigated.

Following their registration of a formal complaint against the police, the family of Jimmy Kelly applied for legal aid to take proceedings for damages for assault arising out of his death against the Chief Constable.<sup>3</sup> When the Law Society refused to grant legal aid for the family to be legally represented at the Inquest, the Jimmy Kelly Campaign was set up to raise the necessary funds and publicise the suspicious circumstances surrounding Kelly's death.

Given the fact that all complaints against the police are dealt with by either the Chief Constable or Deputy Chief Constable and with the knowledge that "only the police have the authority to investigate complaints

against police officers",<sup>4</sup> the solicitors (Canter and Levin) acting for the Kelly family employed the services of a private detective to collect witness statements and assemble other pertinent evidence. It was made known to the Kelly family that the private detective, Mr. Jack Watson, was an ex-senior police officer. What they didn't know at the time was that Jack Watson was the first Chief Superintendent of 'K' Division, between 1974 and 1975, before being transferred to St. Helens Division and replaced by Norman Chapple.<sup>5</sup> Watson headed the Force's first Task Force,<sup>6</sup> and had been commended by the Chief Constable when he was Chief Superintendent for St. Helens for 'the manner in which his men carried out their duties' at the time of the Pilkington's strike.<sup>7</sup> Such duties included attempts by Special Branch officers to infiltrate The Rank and File Strike Committee.<sup>8</sup>

Watson's tasks included the collection of witness statements, the taking of photographs of Kelly's body during the second post-mortem, fingerprinting the deceased, examining hospital records, arranging forensic examination of fingerprints and the whisky bottle alleged to have been found in Kelly's possession, and attending the inquest.

Evidence accumulated by the private detective was handed over to the police by the family's solicitor Alan Berg, who stated:

"I wish it to be put on record that every facility and cooperation has been afforded by myself and the family to the Investigating Officers including copies of statements taken from witnesses, the sight of photographs, the use of interviewing rooms and the availability of manpower."<sup>9</sup>

Such courtesies to the Investigating Officer were not of course reciprocated. Statements made by the police officers connected with Kelly's death were not even disclosed to the Inquest, let alone the Kelly family's solicitors. Indeed, statements made to the police by civilian witnesses were withheld from them during cross-examination at the Inquest. Such 'privileges' will be examined in more detail later.

As it stands, there is no independent system of investigating complaints against the police, nor is there any effective independent system for monitoring police investigations into complaints. Endemic to the system, therefore, is the potential for abuse. Moreover evidence exists to support this contention. Frequently a client, on making a complaint at a police station, or subsequent statement to the Investigating Officer, may be guided by the police themselves. The records may emphasise criminal allegations pertaining to a specific incident(s) during the complainant's encounter with the police, and these stand little chance of substantiating a prosecution and thus the officer's general conduct - a disciplinary matter - may be neglected. This contention is supported by a Home Office Research Unit unpublished report leaked to The Times (8/4/81). Following a study of Metropolitan Police files of complaints of assault:

".... The report says it is clear in one case that the police realised the use of criminal charges in nullyfying or weakening a complaint."

Thus the police can formulate the charge for the client. As is often the case, the D.P.P. may decide

against bringing a case to court and subsequently any disciplinary aspects of the case are in practice dropped. . Once the D.P.P. decides there are insufficient grounds to prosecute a police officer, disciplinary proceedings cannot be pursued if the evidence required to substantiate the disciplinary charge is the same as that used to support the criminal charge - which is usually the case. This is justified on the grounds of avoiding 'double-jeopardy', that is, being accused twice of the same offence. For example, a police officer's conduct may be seen by the complainant as offensive, which is a disciplinary matter. However, during the encounter, the police officer may have seized the complainant by the arm, which could be emphasised in the report as a technical assault - a criminal charge which becomes the focal point of the complaint. The disciplinary aspect, of which the complainant may have felt most concern and which may have stood a better chance of redress would be neglected. According to Margaret Simey, it is this loophole in the machinery which can work against the complainant.<sup>10</sup>

Complaints are investigated by a senior officer who may come from a different division or force. The discretion exercised by the Deputy Chief Constable or the Chief Constable in making this decision was highlighted in a report of a Merseyside Police Authority working group. They argued that:

".... the view that the decision to bring in an outside force to investigate involved a value-judgment on the part of the Chief Constable or the Deputy Chief Constable based on the facts of each case. One or two members expressed reservations about the possible false inference which could be drawn from the fact that the force under investigation selects the investigator, whether internal or external."<sup>11</sup>

Following the internal police investigation into the Kelly case by Chief Superintendent Turner and further complaints and allegations of police brutality in 'K' Division, the Chief Constable under the powers of the 1964 Police Act, requested the appointment of Assistant Chief Constable David Gerty of the West Midlands Police to investigate ".... the circumstances leading to the death of James Kelly and other allegations contained in the (New Statesman) press article."<sup>12</sup> We have already discussed the Gerty Report in some detail in the last chapter, so at this point it remains to note that with the completion of the Gerty Report, the Chief Constable's refusal to release its contents and the D.P.P.'s decision against prosecuting the officers involved in the Kelly incident, the Coroner's Inquest into Kelly's death was resumed. The Inquest, at this point, became the forum for testing the complaint against the police via legal processes outside the terms of reference of the Police Acts 1964 and 1976. Such a position was attained by a political sleight-of-hand performed by the Home Secretary, William Whitelaw. Under pressure from other politicians, the Kelly Action Committee and sections of the media for a full public inquiry under the terms of the 1964 Police Act - which would have proved more difficult because of the withholding of police evidence such as the Gerty Report and police statements - Whitelaw stated that he would await the outcome of the Inquest before considering a public inquiry under the Police Act 1964.<sup>13</sup> Whitelaw, in reply to a letter from Harold Wilson, argued that any inquiry under Section 32 of the 1964 Police Act "is likely

to depend for its effectiveness on promises to potential witnesses of immunity from prosecution."<sup>14</sup> However, for the Chief Constable, the inquest was, as far as he was concerned, a 'public inquiry';<sup>15</sup> and given the widespread media and public attention the inquest assumed the character of a trial, but without an official prosecution and defence. In effect, the coroner's court, which is an inquisitional process and thus not constituted to rule on civil or criminal liability,<sup>16</sup> assumed an 'ad hoc' adversarial character with Counsel for the police and family assuming respective roles of defence and prosecution.

The D.P.P.'s decision not to recommend criminal proceedings on the basis of Gerty's report was predictable. The Director will only forward a case for prosecution if he considers that there is a 51% chance of a jury returning a guilty verdict. The criteria or standard for assessing this percentage chance of conviction is the D.P.P.'s own private subjective evaluation. Moreover, in cases involving criminal allegations against a police officer, the percentage, as the D.P.P. has admitted, may be substantially higher. According to the D.P.P. this higher percentage is arrived at with the assumption that juries are reluctant to find a case against a police officer unless the evidence is overwhelming. Chief constables are required to send reports of criminal investigations to the D.P.P. in all cases "except those where the Chief Constable is satisfied that no criminal offence has been committed."<sup>17</sup>

It has often been stated that 'police officers, like everyone else, are subject to the law of the land'.<sup>18</sup> But given the specific role of the police in the law enforcement

process, particularly in relation to police discretion in prosecution, a dichotomy can emerge in the administration of criminal procedure between police and public. For example, with the death in police custody of Jimmy Kelly:

"In normal circumstances, where death in suspicious circumstances occurs and the slightest suspicion therefore fall upon a member of the public, the Police bring that person before a Court, with all due expedition and without initial reference to the Director of Public Prosecutions, without a Pre-Trial investigation and provided there is prima facie evidence upon which they can rely, a charge is preferred and the due process of law takes its course. Neither the Police nor the D.P.P. puts themselves in the position of Judge and Jury. One would have thought after some 4½ months (...of investigation by the police into the circumstances of Kelly's death) the Chief Officer of Police would have been in a position to indicate that there was evidence in this case for a charge to be preferred or alternatively, that there was no evidence for that course to be pursued and thus end the speculation."<sup>19</sup>

In practice, the decision against prosecution of officers involved in Kelly's death reached beyond legal terms of reference into wider political considerations. In this respect, the D.P.P.'s decision, on the 'advice of leading and junior counsel',<sup>20</sup> and as a senior civil service bureaucrat appointed by the Home Secretary, may constitute more than simply legal judgment, but intra-state political struggle between police and government. Counsel for Kelly's family seemed genuinely mystified by the D.P.P.'s decision:

"It is a mystery how he has managed to disregard the independent eye-witness evidence which, coupled with the post-mortem findings, raises a prima facie case at the very least of inflicting grievous bodily harm, and the recommendation believed to have been made by the independent police inquiry for prosecution on this basis."<sup>21</sup>

Reluctance on the part of the D.P.P. to decide in favour of prosecution of police officers is reflected in the relatively small number of charges arising from complaints. Between January 1st 1978 and March 31st 1980 the D.P.P. received 6,415 complaints from which charges were brought in just 33, a ratio of one charge for every 200 complaints, or 0.5%.<sup>22</sup>

Complaints of a disciplinary nature are also investigated by the police themselves. The Chief Constable is the disciplinary authority for his Force.<sup>23</sup> The Police Complaints Board has no power to investigate complaints as all the evidence they receive is from the police investigation, and neither can it impose disciplinary action by itself. Although the Board can request further information on particular cases, and offer counter-recommendations to those proposed by the police, this rarely happens in practice. In 1979, of the 7,365 cases before the Board, disciplinary proceedings were brought in only 127 cases,<sup>24</sup> or less than 2%. In only 18 cases did the Board dispute police conclusions and in these cases agreement was subsequently reached. Such figures have continually justified widespread criticisms of the Board as a toothless watch-dog given to rubber-stamping police decisions. However we must not neglect the guiding hand of the Home Office in such matters. As the Board's Secretary assured the solicitors acting for the Kelly family:

"The (Police Act 1976) requires the Board, in discharging their functions, to have regard to guidance given them by the Secretary of State particularly as to the principles to be applied in cases that involve any question of criminal proceedings."<sup>25</sup>



This 'independent element' (SIC) in the complaints procedure is therefore not only a toothless watch-dog, but a miserable creature chained by its police and Home Office masters to the pillar of 'double jeopardy', as illustrated in their acceptance of the Chief Constable's decision against disciplinary proceedings in the Kelly case:

"The Board have considered Mr. Gerty's report and are satisfied that the Chief Constable has taken the only view consistent with the Secretary of State's guidance which is to the effect that where an allegation against a police officer has first been the subject of criminal investigation and it has been decided, after reference to the Director, that criminal proceedings should not be taken, there should normally be no disciplinary proceedings if the evidence required to substantiate a disciplinary charge is the same as that required to substantiate the criminal charge. The Board have accordingly accepted the Chief Constable's decision."<sup>26</sup>

Apart from the slender possibility of criminal or disciplinary proceedings arising from police investigation of a complaint, the complainant may take a case to the civil courts. Although this avenue may prove satisfactory for redress in some cases, it can only decide on matters of compensation and not the searching investigation of a case.<sup>27</sup> In addition, an action for assault, wrongful arrest, false imprisonment or negligence such as would apply in the case of Jimmy Kelly would, as the family's Counsel advised, result in no more than nominal damages 'in view of Mr. Kelly's parlous state of health and short expectation of natural life.'<sup>28</sup>

In the previous chapter, the development of reactive policing policy was analysed in terms of its impact on the working class communities of Knowsley. We have

examined the formation of law enforcement policies for the policing of Knowsley and the material and ideological determinants upon which they were based. These developments have been located in wider mediations which have served to expand and extend police powers which have given rise, in the post-war period, to greater political autonomy for the police. In this respect, the development of reactive forms of policing has reflected an expanding political autonomy for the police from the remnants of traditional elements of accountability such as police committees and the complaints system. Such processes are clearly illustrated in the death of Jimmy Kelly, the character of the police investigation and the manipulation of the legal procedure of the Coroner's Inquest to nullify demands for a public inquiry into Kelly's death raised by the Knowsley community, sections of the media and prominent politicians. The effective white-wash of the serious discrepancies and circumstances of Kelly's death and the subsequent police investigation, along with the suppression of key evidence pertaining to the case was achieved through the manipulation of legal procedures idiosyncratic to coroners' courts by the police (particularly the Chief Constable) and the discretionary exercise of the powers enjoyed by the Coroner.

The next section will attempt to unravel the nature of the legal wrangle used to manipulate the law enforcement processes of the Coroner's Inquest, and identify the character and power of vested interests which underlay such manoeuvring.

## 2. Law Enforcement and State Privilege<sup>29</sup>

When the law enforcers are subjected to the processes of the law enforcement system that they have served to uphold there emerges a clear contradiction between their legal status as law enforcement officers and their legal status as private citizens. Whilst both categories may be subjected to the same legal processes of the state, in practice law enforcement officials occupy a privileged position in exercising state power where law enforcement may instance law-breaking. When the state appears to contradict its own laws, the legitimacy of state power is undermined and so consequently, legal transgressions by law enforcement officers are, as far as is practicable, 'covered up'.<sup>30</sup>

As the power of the state rests ultimately on the use of coercive force, the exercise of that power has to be continually legitimated within the framework of the state's legal system. In this respect the state is faced with the daily task of maintaining legitimacy as a 'public' body in order to straddle the class struggle and police its contradictions. Its law enforcement officials must be seen to act, as far as possible, on behalf of the whole of society, on behalf of a 'public'. Thus the state ideologically rests on a conception of a 'general public' devoid of class antagonisms and interests and thereby attempts to defend its repressive actions in terms of the 'public' it purports to 'serve'. The state, therefore, claims to represent 'public interest' but in reality it is the state itself which defines 'the public' - and its 'interests'.

With the legal system, conceptions of public interest are enshrined in case-law and statute. The ambiguous and contradictory conceptions underlying legal rulings and practice in the assertion of 'public interest' allow for manipulation of legal and political processes to absolve the coercive practice of the state. This position may be critical when death or serious injury arises from the exercise of the coercive forces of the state.

With cases arising of death implicated in the actions of law enforcement officials, the state, faced with popular disquiet, takes the defence of the actions of its officials as a defence of itself, i.e. its powers; and must show that the exercise of those powers in circumstances leading to death were 'reasonable' and not excessive. Moreover, this diffusion of any popular concern over deaths arising from state violence has to be achieved within the state's own legal framework in accordance with the 'public interest'. In exceptional cases the state may initiate a 'public inquiry' where the existing machinery may prove inadequate in meeting this task.

Given that coroners' courts are effectively police courts, legal processes peculiar to the inquisitional procedures of inquests are manipulated to absolve the state system from responsibility for deaths arising from law enforcement actions where individual officials are implicated; the political privileges of the state are mystified into legal privileges afforded to their officials. This position, moreover, applies to the implicated enforce-

ment officials and to the enforcement officials who instigate and conduct the investigation into the causes and circumstances of deaths in police custody, prisons etc. With inquests into deaths in custody the police, who appear as 'servants' in a coroner's court, become effectively the controllers. From the investigation of the circumstances of the death and preparation of the evidence through to the control of the proceedings, the police maintain a substantial command of the coroner's court.

From this privileged position the police can have total control over submission of evidence during an inquest into a death in custody. Implicated police officers may refuse to release statements to the court which they have made during internal police inquiries by claiming 'privilege' for their statements. Senior investigating police officers may claim 'privilege' for their reports; they are defined as confidential documents and their retention, with all the necessary legal underpinnings, is explained on the grounds that disclosure would not be in the public interest. As the friends of Blair Peach have argued:

"In every case, the argument advanced against publication has been the 'confidentiality' of the reports concerned; it is suggested that if it had been known that these reports would be made public, then they would have been prepared differently. This is, of course, a familiar argument in a country with one of the most secretive and therefore arbitrary bureaucracies in the world. It is, as it has always been, a completely specious argument. We are in effect being told that the dedicated democrats of our public services might in some way behave dishonestly if they thought the public might get

to know the truth - the very same public servants in whom we are also expected to have absolute faith and unquestioning confidence."<sup>31</sup>

Similarly in the case of Jimmy Kelly, Counsel for the Chief Constable, Andrew Rankin, Q.C., offered a similar argument to justify non-disclosure of police statements from the investigating officer's report:

".... if there was ever to be an unhappy situation similar to this, it may inhibit witnesses from making statements to police officers who were conducting a very proper, necessary investigation."<sup>32</sup>

The 'witnesses' to whom Rankin is referring are of course police officers. The contradiction is that in one instance police officers are members of the public like any other citizen who comes before the Coroner's Court, but in another instance they are law enforcement officials who can exercise rights of privilege which are not normally employed by civilian witnesses. The only real privilege that extends in practice to civilian witnesses is that they could refuse to make a statement. This option is theoretically also open to police officers, but considering that police officers spend a good deal of time taking statements, to refuse to make a statement would not auger well for their case or indeed the force itself. Therefore they have the privilege of making statements which are held in confidence and not revealed outside the state system. Thus, in the name of public interest, evidence from investigations is censored by the police before being fed into the legal machinery and of course ultimately into the media. Only the 'relevant facts' are made known to the court; as Counsel for the

Chief Constable explained during the Kelly inquest:

".... it is in accordance with the instructions I have received from the Chief Constable to place before you sir, every fact which is conceived by those advising the Chief Constable to be relevant to this inquiry."<sup>33</sup>

Even though at times the strings may get a little entangled, they all pull in the same direction.

(i) Legal Contradictions in the Blair Peach Ruling

Before we begin a more detailed examination of the legal processes in the Jimmy Kelly case, it is first necessary to examine the High Court ruling on the Blair Peach case as this case was used as a legal precedence for the refusal to disclose documents and statements in the Kelly case.

On Friday October 12th 1979 the Hammersmith Coroner, Dr. Burton, reopened the inquest on the death of Blair Peach. Stephen Sedley, Counsel for the Peach family, asked for a copy of the police inquiry report (the Cass report) to be submitted in the evidence to the inquest, as the report was relevant in that it was the results of a "murder inquiry in which the subject was a Metropolitan police officer".<sup>34</sup>

On the evidence available there was a 'prima facie' case that Blair Peach was killed by a blow to the head in violent circumstances. In other words, there was (and is) a case to answer, based on eye witness accounts that Blair Peach was struck on the head by a blow which was to cause his death as was later confirmed that ill-fated day by hospital X-rays which

revealed a fractured skull. If Blair Peach had been struck whilst surrounded by civilians then this would have been a case for the police homicide squad. However, at the time the blow was struck Blair Peach was surrounded by police officers of the S.P.G. wielding batons and riot shields. In such cases, the Chief Constable (Metropolitan Commissioner as he is called in London) is faced with the decision as to whether or not the officer(s) implicated should stand trial. Important considerations are made with regard to weighing up the circumstances, such as media coverage, adverse publicity, political implications and cost. In short, the 'master' must decide whether or not to abet and assist his 'servant' with the following consideration in mind:

"The chief officer of police for any police area shall be liable in respect of torts committed by constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor."<sup>35</sup>

In the event, the Commissioner ordered an internal police inquiry and stated that the report of the inquiry would be passed to the Director of Public Prosecutions for his consideration. Following the D.P.P.'s decision not to bring proceedings against the police officers concerned, the inquest on the death of Blair Peach was resumed. With the rejection by the Coroner of the family's Counsel's request for the Cass Report to be submitted to the Court in evidence, the issue was then taken by the family to the Divisional Court to appeal against the



decision of the Coroner. The Appeal was rejected on the following grounds:

"First of all, as I say, the method of preparation of the statements to which I have already referred indicates that those statements started as police property and, in my judgment, continued as police property, and at the present time are police property. I see no way in which anyone other than the police authorities can obtain any sort of legal title to these documents, and therefore, prima facie they are not available to be handed over to the Applicant. Prima facie the present custodian of the documents, the Coroner, should not without breach of confidence or trust show them to the Applicant."<sup>36</sup>

If we consider the basic premises of the ruling, there in fact emerges some quite pertinent legal contradictions which illustrate the fact that the ruling was based more upon political considerations than strictly legal ones. This position was made apparent when the Blair Peach Campaign received a letter from the Police Complaints Board in October 1983. In this letter, the Complaints Board established the following facts:

- (i) No formal complaint had been made against the police under Section 49 of the 1964 Police Act by the family of Blair Peach.
- (ii) Investigation of the Southall disturbances was conducted on the initiative of the Commissioner and not specifically in response to complaints.
- (iii) From this investigation it was decided that 14 persons were to be regarded as complainants and this did not include members of the Peach family.

With these facts in mind, consider the following quotation taken from the Peach Ruling:

"In preparation for the hearing before the learned Coroner consideration has been given to whether the Applicant, who is an interested person in the inquest, should be entitled to see and profit from some 60 odd statements which have been taken in respect of this case ....."<sup>37</sup> (My emphasis)

According to the Complaints Board, the investigation (including the taking of 60 odd statements) was not in respect of this (i.e. Peach) case or in fact of any of the complaints that were made, but was on the initiative of the Commissioner. Under Section 32 of the 1964 Police Act a Chief Constable has power to ".... cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area."<sup>38</sup> This is a different process and category from that provided for in Section 49 (1) of the 1964 Police Act which is specifically concerned with the investigation of complaints.

However our Worships on the Divisional Court appear to have got their wigs in a twist when in the course of their Ruling they seemed to be under the assumption that they were dealing with Section 49 (1):

"The method of obtaining these statements, as we have been told in the course of argument is this: The police, first of all, when a serious complaint is made against one of their number, must take evidence in order to deal with the disciplinary inquiry which is bound to follow. Apart from any other obligation or desire the police might have had to take statements in this case, they were bound to take elaborate statements to satisfy their duty under the relevant Police Acts."<sup>39</sup>

The basic premise then, of the High Court Judge's Ruling is therefore erroneous. No complaint had been

made by the Peach family (as they were originally told there was to be a murder inquiry). Moreover the 'disciplinary inquiry which was bound to follow' did not follow given that there was no specific investigation of a complaint. As the Cass Report arose not from formal complaints against the police but from the Commissioner's 'initiative to cause a local inquiry', it would further seem that the D.P.P. based his decision not to prosecute officers in connection with Blair Peach's death on a generalised report on the Southall disturbances and not a specific investigation into the death of Blair Peach. Therefore we can only come to the conclusion that the premise of the Peach Ruling was incorrect. Given the contradiction of the legal basis of the Ruling, the assertion that: ".... the method of preparation of the statements.... indicates that those statements started as police property...."<sup>40</sup> is invalid.

Furthermore, the notion of 'police property' is also contradictory. In bourgeois law, the police are constituted as 'public servants' - they are established in the 'public interest'. As a state body the materials and equipment used by the police are 'public property' and not the private property of the police. Therefore reports compiled by a public body must effectively be public property. In ruling that the Cass Report was essentially the property of the police and that there is 'no way in which anyone other than the police authorities (i.e. police command) can obtain any sort of legal title to these documents'<sup>41</sup>, a distinction emerges between 'public property'

and 'police property'. It is a distinction which rests in the political autonomy of the police. In the Kelly inquest this distinction was referred to as 'privilege'.

(ii) Contradictions of Privilege in the Jimmy Kelly Inquest.

DRAMATIS PERSONAE

Gilbert Gray, Q.C.	- Kelly family's Barrister.
Professor Alan Usher	- Pathologist who conducted third post-mortem for Chief Constable.
George Carman, Q.C.	- Police Federation Barrister representing 4 police officers who arrested Jimmy Kelly.
Andrew Rankin, Q.C.	- Barrister for Chief Constable.
Dr. John Torry	- Pathologist employed by Kelly family.
David Gerty	- Assistant Chief Constable (West Midlands). Appointed by Chief Constable to conduct 'external' investigation.
R. Lloyd	- Coroner.
Francis Keegan	- Eye witness to Kelly's arrest.
P.C. Brophy	- Constable involved in events at Huyton Police Station.
Chief Superintendent Turner	- Conducted 'internal' investigation.
Kenneth Oxford	- Chief Constable.

Legal argument over disclosure of documents and statements began with Gilbert Gray's request for a full copy of Pathologist Professor Alan Usher's report and statements that were made by the four police officers during the police investigation. (2.3)<sup>42</sup> In reply to Gray's request for the police statements, Carman claimed privilege for the statements on behalf of his clients on the grounds that he had not received copies of civilian witness statements from Gilbert Gray and to release the police statements would give the Kelly family's Q.C. an advantage which was denied to him. (2.3)

Similarly, in respect of the Usher report, Andrew Rankin Q.C. refused to disclose the full report on the grounds that it was a 'private privileged document'. (2.4) At this point it was not clear as to whether the privilege claim was on behalf of Usher or the Chief Constable. Rankin was only prepared to release a 'filleted' version of the report which excluded ".... observations of Professor Alan Usher which are not directed directly to the medical evidence of the various considerations which the jury will have to determine." (2.4) These 'observations' by Usher were based on his assessment of his post-mortem in relation to the police evidence shown to him from the investigation, a procedure which is common practice in post-mortem reports. At a later stage in the inquest proceedings this refusal to disclose the full report of Alan Usher gave the police interests an unfair advantage during cross examination of the pathologists, as a full copy of Dr. Torry's report (the second post-mortem

conducted on behalf of the family) was submitted in evidence, including his observations, and were exploited in cross examination by both police counsel to discredit Torry's evidence. The privilege claim for the Usher report was in fact later made explicitly on behalf of the Chief Constable. However Gilbert Gray had stated during argument over this issue that he had in fact received a letter from Usher expressing his hopes that the full report would be disclosed to the inquest. (2.5)

In reply to Carman's assertion that he was refusing to release the police statements on the grounds that he had not received copies of civilian witness statements, Gray offered to provide him with copies of all statements in his possession. Gray also pointed out that all their statements had been handed over to Mr. Gerty, the investigating officer:

".... we handed over every single document and it is the evidence we possess and we have not had the corresponding facility from the Chief Constable or indeed from my learned friend, Mr. Rankin." (2.5)

In reply to Gilbert Gray, Rankin argued that Gray would not be entitled to copies of the statements of witnesses seen by the police in a murder inquiry, there being "no difference between this situation and that situation." (2.6) This however is a side-step of the issue by Rankin. In the first place, no murder inquiry was ever commissioned into the death of Jimmy Kelly and the statements taken in the course of the Gerty investigation were for the purpose of investigating a complaint against the police. At no point in these events have

the police ever acted on the basis of a prima facie case of murder and therefore Rankin's assertion that the inquest was the same situation to committal proceedings arising from a murder inquiry was spurious. Committal proceedings are based upon adversarial procedures with defence and prosecution. Inquest proceedings are inquisitional in form; there is no defence and prosecution; no one is on trial.

In not wishing to appear obstructive to the proceedings, Rankin stated that his position was in accordance with his instructions from the Chief Constable and that on the basis of the Chief Constable's instructions, would place before the Coroner "every fact which is conceived by those advising the Chief Constable to be relevant to this inquiry." (2.6)

On the face of these ambiguous assertions, which the Coroner allowed to pass without challenge, Rankin extended his claim for confidentiality of statements made during the investigation to include civilian witness statements. This emerged during his cross-examination of a civilian witness, Mr. Keegan, who was questioned by Rankin on the basis of a statement he had made to the police some months earlier, without being shown the statement:

"  
Mr. Rankin: Let me remind you what you said to the police - "Meanwhile another policeman had got out of the car." They not one, ever took hold of the man, was not in any way rough or nasty and manoeuvred him towards their car. Now that is quite different from the account you gave today, isn't it?

Mr. Gray: Do I take it that a statement is being referred to that this witness made to the police?

The Coroner: I beg your pardon?

Mr. Gray: I am just wondering if my learned friend is referring to a statement in writing this witness made to the police. One would have thought the proper way to deal with that is to show the statement to him so that he can look at it.

The Coroner: Well now, is this a statement which the witness made to the police, Mr. Rankin?

Mr. Rankin: It is, but it is a perfectly proper way to cross examine. I have not put the statement to him. I have no intention of giving him the statement. I am perfectly entitled to ask him did he say that to the police.

Mr. Gray: He is perfectly entitled to show him the statement or part of it, and I would entirely understand and it will be fully presented.

Mr. Rankin: I am becoming a little anxious about Mr. Gray's course. I know perfectly well what he is at and he is not going to succeed. I am not endeavouring to cover anything. I am acting consistent with what I said this morning. " (2.70)  
(My emphasis)

Let us examine this last sentence of Rankin's a little more closely, as this was uncritically accepted by the Coroner and the cross-examination was resumed as before. Rankin was referring to his previous analogy (discussed earlier) of witness statements and a murder inquiry which we have already shown to be spurious. Moreover the earlier position with regard to statements was concerned with police statements and the Usher report. The legal premise of Rankin's refusal to disclose police statements and the full Usher report was privilege. At this stage Rankin had now extended this position to include



civilian witness statements. In other words, statements made to the police investigation by civilians had become, following Rankin's legal argument, the private privileged property of the Chief Constable. This position would therefore apply to both police and civilian witness statements. However, the Chief Constable had chosen to release copies of police statements back to the officers concerned, but not to civilian witnesses. A puzzling dichotomy. Moreover, at this stage it must be pointed out that no claim of privilege had been made by the police officers for their statements through Carman. Carman had refused to release copies of statements at this stage not on the grounds of privilege but on the grounds that he had not received copies of witness statements from either Gray or Rankin.

It was during the early stages of the inquest when it became clear that control over the release of statements and documents resided with Counsel for the Chief Constable; the Coroner simply saw fit to accept whichever position Rankin assumed in defending non-disclosure of documents and statements. The premises of Rankin's argument, as the proceedings progressed, ultimately relied upon the Blair Peach Ruling, which became a convenient safety-net to cushion the fall of police counsel's discredited arguments. On the third day of the inquest during cross-examination of Keegan who alleged he saw Kelly struck by a 'bar-like' object, Rankin revealed that forensic examination had shown no traces of blood or anything of 'apparent significance' on any of the items submitted. At this point Gray intervened to protest at not receiving any documents or state-

ments concerned with the forensic examination:

Gray: "... my learned friend has repeatedly said nothing is going to be covered up, all is to be revealed and all is not being revealed."  
(3.6)

In reply, Rankin makes his first reference to the Peach Ruling as justification for non-disclosure:

Rankin: "All is being revealed to Mr. Gray. The witnesses will give evidence and we will still conduct ourselves in accordance with the rigorous requirements of our profession, we are not departing from it. May I point out I have given Mr. Gray a copy of the application, a judgment on which was given in the Blair Peach Inquiry. I have it here, the Lord Chief Justice presiding, and one of four such applications was made by the relatives of Peach for copies of all the police statements, they were refused by the Police Authority and that authority was upheld by the Divisional Courts..."  
(3.6)

In reply, Gray points out:

Gray: "... it is perfectly right for my learned friend to say that there is authority for him keeping all his statements; if he wants to keep all his statements, well and good, but that should not be compounded by constantly saying we want to reveal all. It is inconsistent."  
(3.6)

To which Rankin merely re-asserted his position with a solemn promise to disclose to the Coroner anything which he considered ought to be disclosed:

Rankin: "I am under no obligation and I have no intention of providing Mr. Gray with statements taken by police officers. If there is any matter, sir, which does not come out because you have not called a particular witness I will invite your attention to the existence of that evidence and leave it to you to decide whether to call the evidence."  
(3.7)

This advantage afforded to Rankin in having possession of both civilian and police witness statements was used to full effect in his cross-examination of civilian witnesses. Moreover, Rankin was able to contrast civilian evidence given at the inquest under cross-examination with both statements made to the private investigator (which the family's counsel had made available to the court) and statements made to the police investigation. As the witnesses were not shown their police statements, Rankin was able to select odd phrases and sentences from the hidden statement and contrast with the witnesses' oral evidence. This resulted in civilian witnesses becoming confused as to what had been said in the different statements, which Rankin capitalised upon in attempting to portray Keegan as motivated by malice and bias against the police.

Gray objected to this by arguing that witnesses had a right to ask for and see their statements under the guidelines of a Home Office Circular dated 9th April 1969, which stated that ... (Para. 2.)

"... the Chief Officer should normally provide a person on request with a copy of his statement to the police." (3.20)

The only circumstances, the Circular suggests, when disclosure by a Chief Officer may be refused, is where there is reason to suppose that 'the statement is sought for some sinister or improper purpose.' (3.20)

Moreover, as Gray pointed out, the Circular made

specific reference to Coroners' inquests: (Para. 3)

"In the interests of consistency it seems appropriate to apply a similar practice in cases where an inquest is pending; the Secretary of State accordingly recommends that a copy of a witness' statement taken by the police for police purposes in the course of an inquiry involving a death should be supplied, notwithstanding that an inquest is pending, on the same basis as advised in the previous paragraph." (3.20)

Gray further argued that the Peach Ruling did not apply to this case as the Peach application asked for the release of all statements 'en masse'. Gray was not submitting for the entire Gerty report to be released, but for disclosure of specific statements...

"... where a witness has had his attention drawn to a statement he made to the police, has been questioned upon it and later he says in terms when told that something is missing from another statement, "Well, it may be missing from that but it is in the other statement." " (3.20)

Thus, in order to justify withholding statements from the witnesses who made them, the Chief Constable would have to show that sinister or improper purposes lay behind the request. As there was no evidence to support such a contention, Rankin was forced to fall back on the Blair Peach Ruling again that "statements are treated as police property." (3.22) However, although the Coroner chose to reject Gray's submission in favour of Rankin's, the qualitative difference in premises is quite clear. Gray's, based on the Home Office circular, is a general guideline to be utilised as a practical policy; whereas the Peach Ruling refers to a specific case. It is a specific ruling on a specific application. Therefore,

when Rankin quotes from the ruling:

"I see no way in which anyone other than the police authority can obtain any sight or title to these documents and therefore prima facie they are not available to be handed over to the applicants." (3.22)

- the Lord Chief Justice is specifically referring to the applicants, i.e. Roy Peach, who was the brother of the deceased and not a material witness to the injury:

"It is most elementary that if the charge is being made against a person he must be given a fair chance of meeting it; that often means he must be given documents for the purpose. But there is no charge here made against Mr. Peach, the applicant, to my mind." (3.22)

By 'charge' the Lord Chief Justice appears to include 'criticism' in a broader definition:

"(it is not intended) to widen the Coroner's Inquest into adversarial fields of conflict. That being so, because this applicant is in no risk of himself being criticised." (3.22)

In the Kelly proceedings such implied criticism was made against the police officers concerned - who had access to their statements - and against certain key civilian witnesses - who were denied access to their police statements. However in a coroner's inquest nobody is on charge; the proceedings are inquisitional and not adversarial. The privilege afforded to the officers in having access to their statements was not afforded to civilians. The legality of this outcome was based on the Coroner's acceptance of the false premise of the Peach Ruling in Rankin's submission. To summarise, the

Peach Ruling was concerned with the release of documents 'en masse' to a person who was not a witness to the inquiry. It was a specific ruling on a specific case. In Gray's submission, under the guidelines of the Home Office circular pertaining to the position of witness statements in any given case, a particular witness has a right of access to his statement unless sinister or improper purpose can be shown.

At this stage it becomes clear that the legal grounds of Rankin's refusal to release the statements were ambiguous and contradictory. The decision against disclosure was essentially political rather than legal; i.e. it had been decided that the statements would not be released and subsequent justifications by Police Counsel, uncritically accepted by the Coroner, rested on the clutching of legal straws. In the event the Coroner justified his ruling against disclosure by simply stating:

"... As I understand the position, these statements were not prepared for the purpose of this coroner's inquest."  
(3.25)

If, indeed, this was the case, then the Coroner's conclusion begs the question, why in that case were they used to test witnesses (blind) in the inquest and why were the police officers allowed access to their statements, and moreover later allowed to claim 'privilege' for them?

By this stage it was clear that civilian witnesses would not be allowed access to their statements on the grounds that these were the property of the Chief Constable and therefore exclusively at his disposal.

Although the Chief Constable saw fit not to release civilian witness statements to their authors, statements made by police officers had in fact been released to Counsel representing the 4 officers, George Carman QC. Thus the 4 police officers had had the privilege of access to their statements prior to proceedings; a privilege not afforded to civilian witnesses.

During cross-examination of P.C. Brophy, the police officer who dropped Kelly on his head at Huyton Police Station (not one of the 4 officers), Gilbert Gray asked the officer if he would like to see his statement, to which Brophy replied that he would, upon which Gray requested that the statement be made available to the officer. (7.56) This situation raised something of a predicament, as Brophy, not being one of the 4 officers directly represented by Carman, had, in agreeing to see his statement, opened the door to the possibility of disclosure of police statements, which may have forced the Chief Constable's Counsel into the very awkward position of refusing to release a statement requested by one of his officers if it was to be revealed. On the other hand, statements made by the 4 officers had already been released to the 4 officers and to refuse Brophy his statement would add further weight to allegations of a cover-up. In the event, it was Counsel for the 4 officers who saved the day by seeking a new ruling from the Coroner.

Carman argued that in addition to representing the 4 police officers he also represented the National Police Federation and as Brophy was a member of the Federation

Carman claimed he could therefore represent Brophy.

The main points of Carman's argument were as follows:

"... all the statements taken for the purpose of a complaint and for potential disciplinary proceedings are, in effect, still subjudice, and the problem is, in my submission, that every police officer who makes a statement in the course of a disciplinary Inquiry is making a statement which is privileged and confined to that Inquiry." (7.61)

As far as Brophy's position was concerned, the premise to Carman's argument here is spurious in that neither potential criminal nor disciplinary proceedings were at any stage facing Brophy, and when Carman submits the argument that ...

"That officer should be advised, in my respectful submission, that the document is privileged to him, and only if he waives that privilege and elects to reveal the contents of the statement need it be introduced." (7.62)

- he is really effectively attempting to close a loop-hole through which statements made by the 4 police officers may be revealed:

"What Mr. Gray is about to begin, I anticipate, with the various police witnesses and ultimately ending up with the officers, is a voluntary prompting to give evidence; which is not only to ask them questions in cross-examination which he is perfectly entitled to do, but pursue or seek to obtain any document which may well be privileged."

Here again we find that in preventing the submission of vital evidence to the proceedings, Counsel for the police are reduced to the clutching of legal straws to legitimate what was essentially a political decision not



to release police statements and documents. Following Carman's submission, in his haste to affirm Carman's argument, the Coroner neglected to allow Gray to reply to the application. The Coroner concluded:

"These statements to which reference has been made have not been prepared for the purposes of this Inquest, and I would consider they are, in fact, privileged documents and not available to the Court." (7.63)

However the legal error in the Coroner's conclusion was not left unchallenged by Gray. Brophy was not facing disciplinary proceedings and neither, at this point, had he made any claim of privilege:

(Gray) "This officer so far as we know is not subject to any disciplinary proceedings. There has been so far as we know no complaint about him. Therefore, any statement made by him following this accident (?) is a police statement, not a privileged document, and is a public document." (7.64)

The Coroner, faced with the legal ambiguities of his ruling, could only reassert his previous ruling, which had now become hybridized with the notion of 'privilege':

"What we are concerned with here is a special investigation under a particular Act, in other words, under the Police Act 1964, and I would have thought that any papers or statements or anything else prepared for the purposes of a special investigation of that kind was, in fact, a confidential or privileged document. I so rule in this case." (7.66)

Thus, the Coroner, no doubt a little lost in all the legal rhetoric, made his ruling which was based more upon political considerations than legal ones. He had

totally failed to understand Carman's legal submission and could only grasp its political implications. His phrase "... confidential or privileged document" illustrates this fact, in that what was at stake were legal notions of 'confidential documents' and 'privileged statements'. Carman was submitting for a ruling on claims for privilege for police statements by the police officers, not police documents held by the Chief Constable and on which the Coroner had already previously ruled. The Coroner seemed to be under the impression that all he needed to do was reiterate his previous ruling. The notion of 'privileged document' (7.63 and 7.66) merely illustrates the Coroner's half grasp of the legal arguments and the political basis of his ruling. The confidentiality of documents as based on the Peach Ruling, i.e. that they are the property of the Chief Constable, has nothing to do with the notion of 'privilege'. There is no mention of 'privilege' in the Blair Peach ruling. However, the Coroner in his inability to grasp the finer legal distinctions in these matters felt obliged to use any legal notion peddled by police Counsel to legitimate his political ruling. This inability became even more apparent on the following day (day 8) when Counsel made submissions on the question as to exactly from what date the privilege ruling applied to police statements in relation to the commencement of potential disciplinary proceedings.

The point at issue concerned the date from which the Coroner's ruling on privilege for the police officer's statements was to apply. The formal complaint against the officers was sent by the solicitors for the Kelly

family on the 25th June 1979, which Rankin argued was the earliest date from which the privilege ruling applied and therefore he could release to Gray the documents and statements made prior to that date. Gray challenged this argument by pointing out that the solicitors' letter of the 25th June made no complaint of disciplinary matters; it was a complaint of assault which amounted to a criminal offence and therefore all statements that were taken until formal notification of disciplinary proceedings were available and unprivileged. Gray argued that it was therefore not open to Carman to claim privilege for what was essentially a police inquiry, not going into disciplinary matters but into criminal allegations. (8.20)

Carman's defence of privilege - his "watershed of privilege" - rested on commencement at the date on which Chief Superintendent Turner was formally appointed to investigate. (8.19) Carman argued that investigation, under Section 49 of the Police Act 1964, could embrace two situations of either potential criminal proceedings or potential disciplinary proceedings, or also, as Carman contested, both at the same time. For Carman they are not 'mutually exclusive'. (8.20) On this premise, Carman's submission rested and as this was a false premise in relation to actual statutory law, his subsequent pleas of double jeopardy, as defined in statutory law (Police Act 1976), were contradictory:

"The complaint on investigation may or may not amount to a situation where criminal proceedings are appropriate." (8.21)

Complaints are not investigated to ascertain criminal or disciplinary proceedings ad hoc. The primary consideration is the possibility of criminal proceedings and this is the basis of the investigation as laid down in complaints procedure:

"When a deputy chief constable received the report of an investigation into a complaint he must first send it to the Director of Public Prosecutions unless he is satisfied that no criminal offence has been committed."<sup>43</sup>

So when Carman asserted that an investigation "may amount to a situation where both are appropriate" (8.21) his argument has no legal basis in statute. The primary consideration in the investigation of the complaint by Jimmy Kelly's family was the possibility of criminal proceedings. Moreover, the double jeopardy rule makes this procedure quite clear. It is only after criminal proceedings have been considered that disciplinary proceedings are considered:

"The Deputy Chief Constable will therefore consider (after any reference has been made to the Director of Public Prosecutions) whether as a result of the investigation of a complaint the evidence is such as to justify bringing a disciplinary charge."<sup>44</sup>

With the double jeopardy ruling, an officer cannot be charged for the same offence:

"Where a member of the police force has been acquitted or convicted of a criminal offence he shall not be liable to be charged with any offence against discipline which is in substance the same as the offence of which he has been acquitted or convicted."<sup>45</sup>

Therefore, as the Complaints Board later affirmed in a letter to the Kelly family shortly after the inquest, disciplinary proceedings do not arise from criminal proceedings unless fresh evidence emerges:

"The Board have considered Mr. Gerty's report and are satisfied that the Chief Constable has taken the only view consistent with the Secretary of State's guidance, which is to the effect that where an allegation against a police officer has first been the subject of criminal investigation and it has been decided after reference to the Director, that criminal proceedings should not be taken, there should normally be no disciplinary proceedings if the evidence required to substantiate a disciplinary charge is the same as that required to substantiate the criminal charge. The Board have accordingly accepted the Chief Constable's decision."<sup>46</sup>

Therefore, there were no disciplinary proceedings undertaken. The investigation was into allegations of criminal conduct and considered as such by the Chief Constable and D.P.P. The statements were made for the purpose of investigation of possible criminality on the part of police officers in the death of Jimmy Kelly. Carman's assertion that the release of the statements to the Court "would undermine the whole disciplinary complaints procedure" (8.21) is fallacious, as disciplinary proceedings were considered inappropriate by both the Chief Constable and the Police Complaints Board; a position moreover which was held at the time of the inquest and ever since.

The Coroner, either unwilling or unable to discern the finer but crucial elements of the Police Complaints Procedure, did his best to help Carman pull his act together. However, in bringing in the notion of 'double jeopardy' in support of Carman's argument this merely

served to further expose the contradictions of Carman's position; as the following dialogue illustrates, neither of them knew what they were talking about:

Mr. Carman: "I can't add anything sir, you have already ruled and I really don't think Mr. Gray quite understood the position because a complaints procedure embraces both criminal inquiry and disciplinary inquiry potentially at the same time."

The Coroner: "Essentially what you are saying in effect, Mr. Carman, is that your clients are to some extent placed in double jeopardy?"  
(by the complaints procedure ??)

Mr. Carman: "Certainly."

The Coroner: "And that they face possible criminal proceedings as well as disciplinary proceedings?"

Mr. Carman: "They may or may not."

The Coroner: "Two quite separate distinct matters?"

Mr. Carman: "Absolutely correct sir, and of course it must not be thought by this jury that anybody as it were, is taking a view that they could face those proceedings." (8.22)

But then as Carman later confesses:

"... if anything fresh emerges it could be, I don't know, there might be disciplinary proceedings against my clients." (8.22)

Fresh evidence? The undisclosed statements perhaps?

At this point Carman becomes submerged in legalistic gobbledegook:

"(the officers) are not going to waive privilege of statements which were made for quite different purposes unconnected with these proceedings and for the purposes as yet unresolved finally." (8.22)

For Gray, the issue was simple; prior to any formal notification of disciplinary proceedings, all statements made by the police officers were unprivileged:

"... the officers have to be told in writing that that is the decision, sir, if it were otherwise, one could never get a police officer to face a statement that he has made at an inquest because he would say there may be disciplinary proceedings. (8.22)

And here Gray requested the date on which any disciplinary proceedings were notified to the police officers. Carman claimed his copies of the statements were undated as they were copies. Rankin, who was in possession of the original documents, gave the date as 14th November 1979.

However, although Carman stated that the documents were served on that date, he later goes on to quote from them:

"... if you make such a statement it may be used in any subsequent disciplinary proceedings." (8.23) This then was one crucial matter for the Coroner to decide upon in the legal submissions of day 8. From which date would the privilege ruling apply? Two other important matters were also raised by Rankin for the Coroner to decide on:

"... here is the dichotomy, we know Mr. Waddell had nothing to do with the events on the waste land, Constable Brophy had nothing to do with the events on the waste land, they have made statements, are their statements to be privileged because they are police officers, although not police officers against whom complaints are made? (8.24)

The other matter concerned cautioning of the police officers by the investigating officer:

"If the officers are cautioned and say nothing, that is their right because the words of the caution say so. If on the other hand, they are cautioned and say something, does that by saying something, so to speak, waive any privilege?" (8.24)

However, the Coroner in his conclusions on these submissions could only evade the issues by dogmatically reiterating his previous ambiguous ruling:

"Having listened very patiently to everything that has been said it does appear to me that all that the jury and myself are concerned with is the evidence which is actually given by the witnesses in this court and the witnesses are giving their evidence, they are then being questioned by all three leading counsel, and I would have thought that that was all that we were concerned with in this case involving an Inquest. There is a gentleman there who persistently waves his head from side to side. You don't suffer from any physical disability, do you sir?" (8.26)

If the Coroner thought the matter of confidentiality was going to rest there, he was mistaken. His ambiguous ruling created more questions than answers. On the following day the three Counsel decided to put legal submissions to the Coroner in the absence of the jury to clarify the scope of the Coroner's ruling. In these submissions, Carman gave the underlying premise of the privilege claim:

"You will recall, sir, that when Police Constable Brophy was giving his evidence, Mr. Gray sought to obtain a copy of a statement made by him dated the 27th June, 1979. I then made an application to you in open court and the purport and content of that submission was that all statements that came into existence after that



date were privileged. The ground of the privilege being public interest and the ground of the public interest being that the statements came into existence for two purposes potentially: (1) criminal proceedings, and (2) disciplinary proceedings." (9.2)

This was, in fact, the first mention by Carman of the notion of 'public interest'. Contrary to the claim in his submission above, there was no mention of 'public interest' in any of his previous applications; neither was the Court informed as to what exactly constituted 'public interest'. In further support of the claim for privilege Carman referred to the Home Secretary's statement given at the House of Commons in which he stated that fresh consideration may be given to the question of criminal proceedings if fresh evidence emerged. (9.2) There is, however, a difference between fresh consideration in the light of fresh evidence appearing and actual criminal proceedings in progress - which may have supported Carman's case on the grounds of sub judice. However at the time (and to this date) there had never been criminal proceedings taken against the four police officers.

Following quotations from the Peach Ruling in support of his submission, Carman summarised his case as follows:

- I) All documents from the 25th June are in law privileged.
- 2) "That the privilege in respect of which you ruled was the privilege of the four officers whom I represent, because I could not sensibly have made that submission on behalf of anybody other than my own client." (9.7)  
(This is incorrect as Carman had in fact 'advised' P.C. Brophy to claim privilege!)

- 3) That any disclosure by Rankin of any information in the privileged documents was a breach of the Coroner's ruling. (9.7)

After Carman's submission for the Police Federation, Rankin gave submissions on behalf of the Chief Constable. These may be summarised as follows:

- 1) What were the consequences of the Coroner's Ruling with regard to privilege?
- 2) Would the Coroner reconsider that ruling in the light of these submissions?
- 3) There was no mention of 'privilege' in the Peach Ruling and therefore it had nothing to do with the question of privilege.
- 4) That a contradiction existed between the Coroner's privilege ruling and Rankin's 'duty as a member of the Bar' to submit any evidence from statements which materially contradicts oral evidence:

"Suppose, sir, the officer gives sworn testimony, whereas in a previous document it is not outside the privilege ruling you have given, so that we know that that officer has sworn on oath let us say the opposite of what he has said in a statement on a matter which is material and relevant to how Mr. Kelly came to meet his death and do nothing merely because Mr. Carman has persuaded you to rule privilege in his favour?" (9. 10/11)

For Rankin, the Coroner needed to clarify "the nature and content of the claim for privilege". (9.12)

With Gray, the Counsel for the Kelly family, the question of disciplinary proceedings related to the family's complaint against the police. The formal letter of complaint from the Kelly family's solicitors indicated a complaint of criminal assault and therefore there was no evidence to suggest disciplinary proceedings started on

the 25th June. The officers concerned had only received a formal letter informing them of a disciplinary investigation on November 14th 1979.

In giving his ruling on these submissions, the Coroner once again fell back upon the ambiguities of his previous ruling and the Peach ruling:

"I would think that the judgment of the Lord Chief Justice fortifies the opinion I have already expressed in this case, that so far as any documents are concerned they are, in fact, the property of the police and they are not within my disposition as such. What use the Chief Constable makes of those documents, they are at his disposal." (9.45)

From here the Coroner then proceeded to quote from the Coroner's Rules 28 (1) which state that documentary evidence shall not be admissible at an inquest unless the Coroner is satisfied that there is good and sufficient reason that the maker of the document should not attend the inquest. (9.46) However he then went on almost immediately to affirm Rankin's proposal to hand over to Gray a bundle of documents 'on which we have been referring'. Rankin then interjected:

"I understand you to say, sir, that you adhered to your earlier ruling which made the date the 25th June."

Coroner: "That is right." (9.46)

A trick question, because in his earlier ruling, which we have already examined, the Coroner gave no mention of dates but simply reiterated, dogmatically, his generalised ruling (8.26); so Rankin could then state:

"Mr. Carman's claim for privilege is restricted now  
to the 25th June." (9.46)

Rankin could perhaps just as easily have said  
'14th November'.

Carman was obviously piqued at this, particularly  
given the Coroner's pains to quote Rule 28 (1) and then  
proceeding to allow Rankin to give Gray documents made  
prior to June 25th. In questioning the Coroner on this,  
Carman is obviously dealing with a deference to the  
authority of the long arm of the Chief Constable:

Carman: "Sir, I thought you ruled - I may be quite  
wrong - that under your rules it was not  
necessary to introduce documents if a  
witness is giving evidence..."

Coroner: "I thought I made it perfectly clear,  
Mr. Carman."

Carman: "Yes."

Coroner: "They are the property of the police and  
what use of them Mr. Rankin on behalf of  
the Chief Constable makes is entirely a  
matter for Mr. Rankin." (9.47)

Which all begs the question - why did the Chief Constable  
see the need to withhold the other 99% of the documentary  
evidence?

To recapitulate a little, we have seen that first,  
in the early days of the Inquest, the Counsel for the  
Chief Constable, Mr. Rankin, refused to disclose the  
contents of the police report on the death of James Kelly.  
All the documents were defined as confidential and the  
property of the Chief Constable to dispose of as he pleases.

This position was affirmed by the Coroner, following submissions by Counsel, and the basic premise of his ruling rested in case-law on the Blair Peach Ruling which we have already shown to be itself based on a legal contradiction. Moreover, the four police officers, represented by George Carman, claimed privilege for their statements and this was affirmed by the Coroner. The premise for the privilege ruling rested on the notion of 'public interest'. It was argued that as the four officers could face criminal or disciplinary proceedings if fresh evidence emerged during the Inquest then the withholding of their statements was their privilege in not risking incrimination of themselves. However, the premise of this argument was contradicted on two grounds. Firstly, in that at a Coroner's inquest nobody is on trial, there is no defence or prosecution and all witnesses are equal; but with the privilege ruling some became more equal than others in that, whilst the four policemen were protected from cross-examination on their statements, civilian witnesses faced rigorous and detailed cross-examination, often blind, on both statements they made to a private investigator and statements made to the police. Secondly, in contradiction to a later speech, when Carman claimed that he represented only the four police officers, during cross-examination of P.C. Brophy, who was not one of the four officers involved in the waste land incident, Carman 'advised' him to claim privilege for his statements. However at no time had Brophy been accused of any criminal or disciplinary action, and therefore the extension of the Coroner's ruling to P.C. Brophy contradicted the premises of the Coroner's privilege ruling. Essentially it became

clear that the ruling was based more on political rather than legal considerations - as we have also shown with the confidentiality ruling on the documents of the police report on Kelly's death and the High Court Ruling on the Blair Peach case upon which it was based.

During cross-examination of Assistant Chief Constable Gerty of the West Midlands Police who conducted the 'external' investigation and produced the report on Kelly's death which was deemed confidential, the political basis of the privilege ruling became apparent.<sup>47</sup>

During cross-examination of Gerty by Gray, Gerty refused to answer Gray's questions concerning a number of police photographs reconstructing Kelly's position in the van. According to the officers who arrested Kelly he was placed face down on the floor of the van. The photographs taken as part of Gerty's investigation showed Kelly sitting up. In evading explanation for this contradiction, Gerty took refuge in the privilege ruling:

Gray: "Well now, in all those police documents that I have referred to it records Mr. Kelly as having been put in on the floor of the van?"

Gerty: "Yes, sir."

Gray: "Face down. You must think that it was a curious thing to be taking those photographs with someone sitting on the seat face up."

Gerty: "Not at all, sir. I have followed quite a few lines of enquiry. I am afraid they are all part of my report and I am not allowed to disclose that report." (15.57)

And this was Gerty's position on just about every question asked of him under cross-examination by Gray concerning

his investigation. However Gerty was not being asked to disclose confidential documents which were defined as the property of the Chief Constable, but refused to answer questions on the grounds of privilege:

"... I am not allowed to refer to anything that is a matter of privilege." (15.56)

As the photographs had already been disclosed, they could not be classed as confidential, even though they formed part of Gerty's report. This then was not an issue of confidentiality but a claim of privilege by a police officer who was in no way involved at any stage in the actual death of Jimmy Kelly. So why should Gerty claim privilege to protect himself from incrimination? As the statements of the four police officers did not enter into this argument, the privilege in which Gerty sought refuge was therefore not of the officers but for himself. But Gerty did not face any criminal or disciplinary proceedings as he had no connection with Kelly's death. Indeed Carman proved quite helpful in illuminating the answer to this puzzle:

"Mr. Gerty, quite rightly, in my submission, is claiming privilege, that privilege has nothing to do with the privilege on which you have already ruled. It is a privilege of the Chief Constable; a privilege presumably of the Director of Public Prosecutions and a privilege of this police officer appointed under the Police Act. I say it would be unprecedented, unfair and highly dangerous to the administration of justice if such reports were to be disclosed."  
(15.58/59)

Carman is quite correct in that Gerty's privilege had nothing to do with the privilege on which the Coroner

had already ruled; however, there are four errors in this speech of Carmans: Firstly, privilege has nothing to do with the Chief Constable. The report is defined as confidential and the property of the Chief Constable. There is no mention anywhere of 'privilege' in the Blair Peach Ruling. Secondly, the D.P.P. was not called as a witness to the Inquest and therefore whatever the ambiguous meaning attaches to the privilege ruling, it has nothing to do with the D.P.P. Thirdly, the appointment of Gerty under the Police Act 1964 does not afford him the privilege of refusing to answer questions on documents which have already been disclosed. And finally Carman's assertion about disclosure of police reports being unfair and highly dangerous is completely spurious, as Gray's submission in this instance was not at all concerned with disclosing confidential reports but with Gerty answering questions on documents (i.e. the photographs) already disclosed and submitted by the Chief Constable in evidence to the Inquest.

Furthermore, Rankin's support of Carman's submission could only be described as cognitive dissonance in relation to his past submissions when he says:

"Mr. Gerty is quite right by me. He has claimed privilege. It is his privilege. What he is speaking of is his report to the Director of Public Prosecutions. Those are my submissions. You really have no alternative but to allow that be privileged." (15.59)

Gray's reply was to the point:

"I am not seeking to refer to the report that Mr. Gerty made to the Director of Public Prosecutions. All I am saying is that these photographs have been in this Inquest forming part



of the evidence for days now. If Mr. Gerty now seeks to claim privilege for these one respectfully says he must have been nodding off during the previous days of this Inquest. But the logical corollary in saying these were privileged is that we should now fold them all up and hand them back and say "sorry for seeing something that we should never have been allowed to look upon." That is the situation that has arisen."  
(15.59)

For the Coroner, the issue required some exercise in double-think:

Coroner: "I would say, Mr. Gray, in the circumstances, that obviously those photographs having been put in and circulated and been seen by everyone in the Court including the Jury, that obviously they form an exhibit and they are available."

Gray: "Yes."

Coroner: "But so far as answering any questions arising out of these photographs, that is a matter where the witness is entitled to claim privilege."

Gray: "But with respect, sir, if photographs or a document or an exhibit is to be produced, placed into my hands and then I am to be told, "You cannot ask any questions about it", this makes me just a mere observer at this Inquest, no more."

Coroner: "Well, questions have been asked of previous witnesses in connection with these documents, but they, of course, were not in a position to say that they were in a privileged position in any way."  
(15.60)

Exactly. And here we have it all in a nutshell. 'Privilege' is essentially for law enforcement officials. It is a privilege pertaining to police officers called as witnesses. In other words, the police can claim privileges which do not apply to civilians through their status as law enforcement officials. This political power lacks a credible

legal basis; it is not a 'Public Interest' privilege, but a privilege of the state; state privilege. The Coroner's ruling on privilege had therefore nothing to do with potential this or that proceedings but simply a political privilege dressed in legal rhetoric for law enforcement officials to cover up contradictions and shortcomings in the exercise of law enforcement processes.

Question: When is an inquiry not an inquiry: Answer:  
When it's an inquest:

Gerty: "I am not claiming privilege in respect of that document of itself and neither do I claim privilege myself for my report. That report is the Chief Constable's property and I am not allowed to disclose it, on his directions."

Gray: "I am not asking you to Mr. Gerty."

Gerty: "I am perfectly prepared to answer all the questions I can, if it is the case that it is a matter that is covered in my report then I shall have to answer that I cannot answer the question." (15.61)

### 3. The Jimmy Kelly Action Committee

There is little doubt that the 16 day inquest into the death of Jimmy Kelly would not have achieved the publicity it did without the series of controversial articles by New Statesman journalist Rob Rohner and the activities of the Jimmy Kelly Action Committee. For the people of Knowsley, the Kelly Action Committee became the voice of dissent expressed over methods of policing in 'K' Division. The formation of the Committee soon after Kelly's death marked the beginning of a long campaign for a public inquiry and highlighted other cases

## **JIMMY KELLY ACTION COMMITTEE**

**Chief Constable Oxford: You said you would 'confound your critics'.**

**Confound us by giving your answers to these very simple questions.**

The police said Jimmy Kelly was found unconscious. If this is true:

- WHY put a man in handcuffs if he is unconscious?
- WHY did they take him to the police station and not the hospital?
- WHY did they not render first aid in which they are trained?
- WHY throughout have the family not been told why Jimmy Kelly was arrested and what he died of?
- WHY didn't the police pathologist find the injuries the independent pathologist found?
- WHY was it not treated as a murder inquiry if he was found unconscious and had died as a result of injuries usually associated with homicide?

**These and a lot more questions have got to be answered by the police before the public on Merseyside will be satisfied.**

---

Published by the Jimmy Kelly Action Committee, 31 Pencombe Road, Huyton  
Printed by Astmoor Litho Ltd., 21-22 Arkwright Road, Runcorn, Cheshire

The unanswered questions

**JIMMY KELLY ACTION COMMITTEE**

*There will be a*

# **MARCH**

*from the 'Eagle and Child'  
Liverpool Road*

**SUNDAY 30th SEPT. 10.30am**

**JIMMY KELLY:** died whilst in police custody at  
Huyton police station

**WITNESSES:** saw Jimmy Kelly being beaten at a  
place known as the hollow, an area  
of waste ground in Barkbeth Road

**Come along and support us for**

- ◆ **A PUBLIC INQUIRY**
- ◆ **AN END TO POLICE BRUTALITY**

---

Published by the Jimmy Kelly Action Committee, 47 Peasefield Road, Huyton  
Printed by Astmoor Litho Ltd., 21-22 Arkwright Road, Runcorn Cheshire.

Mobilising the Huyton community



Demonstration in Kirkby against police brutality 1979.



Demonstration by Jimmy Kelly Action Committee and local community 1979.

of police brutality, as discussed in the last chapter. Fund raising and street activities characterised the campaign, as the people of Knowsley rallied in support, and a local popular movement emerged to take up a struggle long since abandoned by their elected representatives. Thousands of pounds were raised to cover court costs, including donations from individuals and organisations around the country. Trade Union Branches sent dozens of letters of support with donations. Resolutions condemning the police actions and inadequate inquiry into Kelly's death were passed at branch level and forwarded to Union executives. A typical resolution was that passed by the Liverpool District Nurses Branch of NUPE:

"This Branch wholly condemns the decision of the Director of Public Prosecutions not to institute any legal proceedings against any officer(s) of Merseyside Police in connection with the death in custody of Jimmy Kelly. We consider his actions to be purely political and above the considerations of natural justice. We demand that all the evidence relating to his enquiries be made available for scrutiny including the 'Gerty Report' on the activities of the Knowsley Division of Merseyside Police.

To this end we urge the Executive Council to support the Justice for Jimmy Kelly Action Committee in calling for an immediate public inquiry into the events surrounding his tragic death."<sup>48</sup>

Such acts of solidarity were repeated in numerous union Branches around the country. Demands for a public inquiry grew as the campaign gained momentum. Knowsley District Council gave support to the demand, along with Liverpool, Sefton and Knowsley Trades Councils. By October 1979, four months after Kelly's death, the Kelly Action Committee had collected over 15,000 signatures by Merseysiders in a petition to William Whitelaw, the

then Home Secretary, to set up a Public Inquiry.

Members of the Committee were invited to address numerous organisations and groups around the country and letters of sympathy arrived daily at the home of the Kelly family. Leaflets were produced in reply to Oxford's comments on the case, in particular his statement that he would 'confound his critics'. Anger continued to mount in the Knowsley area at police and government intransigence over Kelly's death. Marches were organised and led by the Kelly Action Committee through the Huyton area demanding a public inquiry into Jimmy Kelly's death. Rumours abounded that Huyton Police had acquired riot shields and CR gas to deal with potential disturbances. The accuracy of these rumours, which apparently originated from an officer in Huyton Police Station itself, who had become alarmed at the turn of events, could not be proven; however it is interesting to note that it was CR gas - not the more commonly known CS gas - which was alleged to have been stockpiled.

As the protest at the death of Jimmy Kelly continued to grow, other instances of police brutality, such as the Cavanagh incident, became focal points of protest as well. In Kirkby, local residents formed the Michael Cavanagh Action Committee, which became the focal point of local protest and marches against police harassment of youth.

In response to the mounting public protest against police brutality, the Liverpool Trades Council set up the Joint Trade Union Inquiry into Allegations of Police Violence in December 1979. The inquiry became a sorting



house for complaints against the police. An Interim Report contained the following cases as typical of those received:

"We have in our possession one particular statement from a man who alleges he had gone to register his protest to the police at the treatment of another man. However, he was then arrested himself and placed in a cell for 8½ hours with a bruised and painful arm; on his release he went to the Liverpool Royal Hospital where the arm was found to be fractured. He was later found guilty of resisting arrest, the police saying he fell backward after a policeman put his arm round him. The Committee felt they should also report that this man alleged that the police obtained information about his work from the Department of Employment."

"In a statement from the girlfriend of a young man who was charged with assault on the police and loitering with intent, she declares that the police beat him from the time of his arrest until they reached the police station. He then collapsed, she says, and - "he was given no treatment from the police, and it was not till he came home at 12.30 a.m. with black eyes and blood all over him that I insisted he went to the hospital." He was later visited by a Detective Chief Inspector whom he informed of his intent to take out a summons against the police. His girlfriend writes: "He heard no more about the matter until he had been found guilty by the Magistrates, and he was asked to sign a statement saying he would drop the charges against the police for a lesser sentence (he) signed the statement and was given three months on each charge." 49

In the vast majority of cases of police brutality and harassment, the individuals concerned have not had the support of a campaign to publicise their case and with the lack of interest of the Police Committee, most cases are never highlighted and the unfortunate victim becomes vulnerable to trumped up charges endorsed by magistrates courts. For the relatives and friends



of Jimmy Kelly, the success of the Campaign was no easy achievement. It was only through the combination of their past experiences in fund raising for charity, hard work and the solidarity of the local working class community that the Campaign was sustained. And indeed, it was in recognition of those less able to struggle for justice over the death of a friend or relative in police custody that the Jimmy Kelly Action Committee gave their full support and backing to the establishment of the pressure group 'INQUEST' in 1980.

However, given the persistent failure of the police committee to take a stand on cases of deaths in custody and police brutality, the organisations of the working class have themselves, overall, been slow to respond, even following the riots of 1981. Indeed, as the Trades Council Report of 1980 prophetically concluded, the growth of police violence was ultimately a threat to working class organisations themselves:

"We consider that it is youth who are stopped and harassed most, again in densely populated working class areas. We believe that special attention should be focused on the Liverpool 8 area, where black youth suffer an additional attack of racial insult. To conclude therefore, we feel that the concern of Liverpool Trades Council expressed in September, last year, was fully justified. We feel that in the light of developments in the Kelly and Cavanagh cases, and in the light of other statements we have, the Liverpool Trades Council should call immediately a conference of working class organisations to discuss the ever growing problem of police brutality. One of the purposes of this conference will be to get a great deal more support for the work of this Committee.

We feel that this is all the more urgent as most Trade Unionists are worried at the role of the police in dealing with future resistance to the Tory Government attacks." 50

Eighteen months later the police waded into battle with batons, shields and CS gas against black and white youths in Toxteth. Three-and-a-half years later, the NGA Print Union had been battered at Warrington with similar tactics and months later, in 1984, full-scale para-military policing strategies, including repeated baton charges, snatch squads and cavalry charges, as well as the usual array of riot equipment, were regularly deployed against striking miners in the coalfields.

2) THE POLITICAL AUTONOMY OF THE CHIEF CONSTABLE

"This relationship of power between the police, public and government lacks precise definition because it relies, in what could be called a typically British way, on being interpreted in a fair and reasonable way. 'Sometimes it is best for systems not to be too delineated; it gives you some flexibility', says Ken Oxford, Chief Constable of Merseyside."

Martin Leighton (Sunday Times Magazine 26/9/82)

"Mr. Oxford simply runs the force his way and we provide the money. There has never been any damaging interference."

Margaret Simey (Guardian 31/12/83)

At the time of the widely publicised confrontations between the police and local communities in the Knowsley area in 1979, the Police Committee of Merseyside County Council was controlled by a Conservative majority and, as might be expected, its official response to the events was somewhat restrained. However, pressure from the Labour opposition, led by Margaret Simey, did succeed in getting the issue debated and culminated in requests for Oxford to account for the actions of his officers and to disclose to them the substance of the inquiry into Kelly's death. In reply, the Chief Constable merely reiterated his powers under the Police Act 1964 and accused members of the Police Committee and County Council of making "vituperative misinformed comment",<sup>(51)</sup> after having earlier told them to "keep out of my force's business".<sup>(52)</sup> These confrontations between Labour members of the Police Committee and the Chief Constable were given widespread media coverage and fuelled the debates over police accountability.

Given the Chief Constable's refusal to disclose information on the Kelly investigation on the grounds of sub judice and the reluctance of the Tory controlled Police Committee to directly confront the Chief Constable, the Labour members voiced their dissatisfaction with the state of affairs:

"Mr. Oxford does not seem to think the Police Committee is worth proper consideration and the Tory majority do not seem to think that there is anything wrong in that." (53)

In recognising the ambiguities surrounding the powers of the Police Authority, the Committee decided on the 23rd October 1979 to convene a special sub-committee to report on the role and responsibilities of a police authority. The report was completed three months later and in substance added a little to what had already been laid down in the 1964 Police Act. The conclusion of the Report was predictable:

"We concluded (Councillor Mrs. Simey dissenting) that, in general the Police Committee acting as Police Authority for the Merseyside Force, is capable of fulfilling its duties and obligations as laid down by Parliament." (54)

In general terms, the police force of every region is said to be accountable to a police authority for the area (except in the case of the London Force where the Home Secretary is defined as the Police Authority). Following the implementation of the 1964 Police Act, local watch committees were amalgamated into one police authority for each constabulary force. Comprised of one third magistrates and two thirds councillors, the newly combined police authority was legislated to serve the following functions:

1. To secure the maintenance of an adequate and efficient police force for the area.
2. To appoint the Chief Constable and determine the number of officers in each rank. (With Home Office approval)
3. To provide buildings, premises and alterations. (With Home Office approval)
4. To provide and maintain vehicles, apparatus, clothing, buildings and other equipment. (55)

In relation to the police authority the Chief Constable is compelled to submit an annual report on policing for that area. However, in practice the substance of these reports is largely at the discretion of the Chief Constable, so to this extent matters of law enforcement policy pursued by the constabulary force are usually given scant consideration.

Chief Constables are also compelled to submit reports on matters specified by the police authority concerned with the policing of any area for which he is responsible. Again, in practice, these reports tend to give little indication of law enforcement policy, and police committees have little say on what the substance of these reports should consist of. In the wake of the 'K' Division confrontations and the subsequent investigation into the allegations of brutality, Merseyside Police Committee requested such an occasional report on 'K' Division. This report was submitted to the Police Committee on 9th September 1980 and in content provided minimum details of the investigation and no account of policing policy for the area. For instance, the Chief Constable could confidently assert that ..... "... the New Statesman

made further allegations, many of which were later found to be figments of imagination, incapable of foundation, not pursued, or withdrawn." (56) 'Many' - but not 'all'. No indication was given of which allegations were figments of imagination, nor information to substantiate this position. Instead, the Police Committee were basically provided with chronologically descriptive information, most of which was already known, on the procedure for setting up an external investigation (Gerty Report) and the legal outcome of the investigation into each complaint. And on this basis, the Chief Constable reached the following conclusion:

"There is little doubt that the more obdurate critics will continue to denigrate the police, as is their wont, and will attempt to transform individual transgressions by police officers into a universal condemnation of the police system." (57)

The Chief Constable ignored the fact, however, that the 'obdurate' criticism of his force, in this instance, began with the widespread feelings of anger and fear by the working class communities of Knowsley at what they felt was a deliberate policy of repression against them by their local police. The pattern of events in 'K' Division was recognised as more than just isolated cases of 'individual transgressions' by particular police officers. The fact that such events reflected the development of particular law enforcement policies for the Knowsley area, as discussed earlier, is neglected by the Chief Constable in this report, but then the Chief Constable also has the legal right (with Home Office approval) to withhold information which he considers

is not in the 'public interest';<sup>(58)</sup> and in this respect it is the Chief Constable who has the power to decide the public's interest and not the elected members of the police authority.

The police authorities were set up following the recommendations of the 1962 Royal Commission on the Police. The Commission's report gave clear recognition to the growth of the discretionary powers of chief constables. It was with this development in mind that the Commission wrote that ..... "... the problem of controlling the police can therefore be restated as a problem of controlling chief constables".<sup>(59)</sup> Given that the Police Act 1964, which arose from the recommendations of the Royal Commission, was supposedly enacted in part to overcome this problem, may be asked as to how it has come about that chief constables now have even more political power than they had prior to the Act. The answer to this dichotomy involved five major factors.

Firstly, there was the 1964 Police Act itself. The functions of the police authority as outlined in the Act are concerned primarily with administration and financial provision. Policy formation is in the hands of the chief constable, and apart from attempting to sack him the police authority have little control over the chief constable's policy decisions:

"Whilst the Act imposes a clear duty upon the Police Authority with regard to an adequate and efficient police force, the Authority has to operate within strict limits, because considerable powers are also conferred direct upon the Chief Constable with regard to the direction and control of the force."<sup>(60)</sup>

To this extent, the statutory position of the Police Authority as constituted in the 1964 Police Act is largely an administrative one, and in comparison with the old watch committees, the sphere of influence and power of elected representatives in matters of policing were further reduced with the introduction of the Act. The foundations had effectively been laid by the Royal Commission for the development of a highly autocratic corporate managerial control of policing:

"Moreover, the authority's role cannot, under the arrangements which we propose, extend beyond the giving of advice; and it will not be entitled to give orders or instructions to a chief constable on matters concerned with policing." (61)

So despite the rhetoric about controlling chief constables, the Royal Commission made it clear where the effective political power must lie. In practical terms, if a chief constable has any accountability to the police authority for his policy it can be no more than a 'gentlemen's agreement'. (62) There is nothing in the Act to suggest otherwise and as Mrs. Simey has pointed out, the Chief Constable formulates his policy and only reports to the Police Authority what he has already done. (63)

This situation contrasts with the previous position of the old watch committees. And whilst the extent of their power in relation to chief constables has been exaggerated, the general view was that 'the police were under the general control of the Watch Committee'. (64) For example, during the latter days of the miners' strike in 1926, the Chief Constable of Wigan had to request Watch Committee approval for extra police constables



to be drafted in from outside to deal with mass picketing at local pitheads. The Town Clerk, in advising the Watch Committee of their status under the law, made the following observations which were quoted in the local newspaper:

"If the Chief Constable considered that additional police should be engaged, the Town Clerk said he thought it was the duty of the Watch Committee to give him the necessary authority. He said that most of the Police Authorities in the country (including Wigan) had entered into a mutual agreement to lend Police Officers to any Force needing augmentation. He advised the Committee, under the provision of this Agreement, to give the Chief Constable authority to obtain the extra men required. He pointed out, however, that if the Committee did not do this the Home Secretary had the power, under the Emergency Regulations, to act in the place of the Police Authority in this respect."(65)

In respect of decision-making on matters of policing policy, the old watch committees possessed some degree of sanctioning of a chief constable's proposals before implementation. As Simey indicated in the quotation above, chief constables today act on their own authority and report what they have already done. This position was clearly illustrated with the Merseyside Chief Constable's purchase, without Police Committee consultation, of CS gas, plastic bullets and riot equipment. When the Chief Constable revealed these steps at a police committee meeting, he was 'advised' to get rid of the equipment and no more cash would be provided for more equipment:

"After the meeting, Mrs.Simey said that she was delighted. The committee had not ordered Mr.Oxford to get rid of his stocks but had advised him of their wishes.

'Obviously he is going to keep them but he has pledged not to buy more', she said." (66)

The second factor in increasing the political power of chief constables has been the centralisation of regional forces. In Part 2 the centralisation process was examined in some detail in its relation to the establishment of the Merseyside Police Force. Overall, the centralisation trend has continued, both within regional forces and in England and Wales as a whole. Since the introduction of the 1964 Police Act, the number of regional forces in England and Wales has been reduced from 125 to 43 and many chief constables, such as Lougharne when he was Chief Constable of Lancashire, have argued for a "fully national police force", or the creation of 10 "superforces" as Anderton has suggested.<sup>(67)</sup> The creation of larger forces with enormous regions has ensured that chief constables have attained increased autonomy from the amalgamated localities which, as Simey has argued, has resulted in the loss of old ties of local control.<sup>(68)</sup>

<u>Year</u>	<u>Number of constabularies</u> <u>(England and Wales)</u>	
1860	226	
1883	231	
1939	183	
1949	129	
1964	125	(B. Whitaker, 1964. p. 87.)
1980	43	

In connection with the centralisation of regional forces has been the third factor of the effect of re-organisation on the police authorities. These too have become remote from local ties and in the early years following the reorganisation legislated by the 1964 Police Act, the elected representatives drawn from the

more numerous and smaller watch committees had become confused as to their new positions. This essentially gave ground to chief constables in consolidating their position.

The fourth factor in determining the strengthening of the autonomous political power of chief constables has been their ability to display all the hallmarks of a professional politician, following the precedent set by Sir Robert Mark in using the media as a convenient vehicle for orchestrating reactionary ideology on issues of 'law and order' to legislate and consolidate widening police powers. The reasons as to why such changes have occurred are complex. There is no evidence to suggest that the personalities of chief constables suddenly changed with the rise of Mark, although many have come through the London Metropolitan stable. Certainly they are more outspoken, appear more authoritarian and can be callous to police authorities 'meddling in their affairs', but there is no real evidence to suggest that this actually constitutes a 'new breed' of chief constables. And even if this did in some way account for the new-look chief constable, there is no indication as to why this new approach should only emerge in the last 20 years or so, given over 150 years of history in modern policing.

The fifth factor which has formed the basis of the expansion of the political power and autonomy of chief constables has been the context of the steady deterioration of social conditions caused by the decline of the capitalist economy, and its restructuring by the state under conditions of crisis. Since the early 1970's, the

state has expanded its coercive forces, moving from liberal to reactionary forms of containment of the class contradictions of late capitalism. At the forefront of this transformation have stood the chief constables and their forces:

"... the police institution is situated at the crux of the contradictions of the advanced capitalist state, confronting the particular effects of the fiscal crisis of the inner cities. It cannot act independently of those determinants but can only react to them."(69)

It has been this reaction to the phenomenal effects of the crisis that has formed the ideological basis for reactive policing in working class communities and strengthened the autonomy of chief constables, who have sought to justify coercive law enforcement policies by highlighting criminality on the streets of the inner cities and other estates to solicit the support of the middle class and affluent working class. As Brogden argues:

"The pursuits of the street offenders, where there are identifiable victims arouses universal, inter-class condemnation. It connects with both dominant and subordinate value systems. It provides a common denominator, in the reaction to it, which strengthens consent to policing."(70)

It was the confrontations of 'K' Division in 1979 which provided the arena for confrontation between Police Authority and Chief Constable of the Merseyside Force on matters of policing policy. The Chief Constable, secure and confident of his political autonomy, entrenched his position within the terms of reference of the 1964 Police Act. As Scraton has pointed out:

"It is clear from the 1964 Police Act, however, that while it is the police authority's responsibility to ensure the maintenance of an adequate and efficient police force, it has no powers, nor possibility of intervention, at an operational level. So when Oxford referred the police authority to his press statements, after its members requested further information on Knowsley, he was using, not misusing his discretionary powers."(71)

For the Police Committee, their position in this power struggle was severely handicapped by their seeming lack of legal and political power which led to their eventual retreat into working parties and sub-committees convened to examine in detail every nut and bolt of the Chief Constable's armour plating. However, given the limitations of the Police Committee's role under the 1964 Police Act, there were in fact two possible courses of action open to them, both of which were evaded in the course of their deliberations.

The first possible course related to the communities which the elected members represented. Since the reorganisations of 1974 and the establishment of the Merseyside force, the Police Authority had also become distanced from connections with the local communities. And whilst individual members gave invaluable support and sympathy to campaigns such as the Jimmy Kelly Action Committee, the relationship was distant. Whilst it must be accepted that the controlling group on the Police Committee were Conservative, there did exist some considerable scope for the Labour group to take the struggle back to the grass roots and mount an effective community campaign in the Knowsley area, drawing on the organisation and resources of the Labour movement. In this way, the widespread discontent

in the Knowsley area (and indeed other areas) could have been organised into effective popular pressure for radical change in policing strategies and law enforcement policies. This political strategy, coupled with the second possible course of action - the demand for the Chief Constable's resignation - might well have provided a concerted challenge to the increasingly repressive methods of policing employed in the Merseyside area as a whole.

The retreat into sub-committees was however perhaps inevitable. In a relatively short space of time, the mood of political challenge to the political autonomy of the Chief Constable had given way to the conciliatory approach and the kind of window-dressing which has largely been the dominant feature of Police Committee strategies since the aftermath of the 'K' Division confrontations and indeed the Liverpool 8 riots which followed two years later.

On the 14th January 1980, the 'Knowsley Police Liaison Committee' was established between members of Knowsley Council, senior police officers of 'K' Division and the Deputy and Assistant Chief Constables of Merseyside Police. It is clear from an examination of the minutes of these meetings that their main concern was to establish closer communication between the local police and senior council bureaucrats. For example:

Item 7 (Minutes 29/10/80) reads:

"It was agreed that the Borough Housing Officer liaise with the Chief Superintendent of 'K' Division with a view to improving communications between the appropriate officers in the Housing District Offices and the local police stations."

and Item 8 (Minutes 29/10/80) reads:

"The Borough Secretary referred to difficulties being experienced in obtaining information from the police on employees involved in alleged criminal proceedings ....."(72)

Other items of business dealt with included parking on footways and grass verges, school visits by police officers, enforcement of the Litter Act 1958, street collections by charities and the Chief Constable's "Into the Eighties with Pride" Anti-Crime and Vandalism Campaign." One item of interest which did find its way onto the agenda was subsequently retracted:

Item 6 (Minutes 29/10/80)

"Merseyside Police - K Division - Manning Levels/ Complaints."

It was agreed that it would not be appropriate to discuss the above items at the Liaison Committee and with the consent of the Chairman the item was withdrawn."(73)

The real issues of policing in Knowsley concerning allegations of brutality and law enforcement policy were never touched upon by this Committee and indeed nor have they been subsequently taken up with the 'community liaison forums' set up after the 1981 riots. With most of the developments in policing on Merseyside in recent years, the Police Committee has largely played the role of spectator.

This has particularly been the position with regard to the reorganisation of divisional boundaries, the plans for which were drawn up in 1977 and came into operation in 1981. As a further step in centralisation this resulted, in the early 1980's, in the reduction of Merseyside Police

Division from 11 to 7. Speculation arose when it was announced in January 1980 that the changes were to be brought forward to April of that year. The police denied that the speeding up of reorganisation, which included the disbandment of 'K' Division, had anything to do with the death of Jimmy Kelly in Huyton Police Station and the numerous complaints of harassment and brutality. A police spokesman was quoted in The Guardian as saying:

"Somebody has been suggesting that this is all because of the troubles in 'K' Division but I can't see that at all. I think it is bigger than that."(74)

A Liberal member of Liverpool City Council stated:

"This move makes it look as if the police are doing something. But it will not solve the problems, only sweep them under the carpet. Worse than that it will spread the weaknesses of K Division to the areas they join."(75)

Even assuming the Police Authority have powers of intervention on matters connected with the maintenance of adequate and efficient policing of the area, it is clear that the Committee had little, if any, involvement in the reorganisations within Merseyside Police in the early 1980's. Elected councillors seemed to have maintained their reputation for simply rubber-stamping the Chief Constable's policies, given the lack of debate in Police Committee minutes on this issue. The fact that these further movements in centralisation would only serve to further strengthen the political power of the Chief Constable of the Merseyside force, has been one of many vital issues the Police Committee have failed to adequately address.



With the latest divisional boundary changes 'K' Division was disbanded and the area divided up with Kirkby joining the new 'C' Division (Northern), Huyton going to 'D' Division (Central) and Prescot and Knowsley added to 'E' Division (St.Helens). (See Map 8)

Such moves, as examined in Part 2, have tended to correspond with developments in new reactive and pre-emptive forms of policing. Each reorganisation phase has served to further consolidate these forms of policing and facilitated the police greater political autonomy of enforcement policy from local government.

"I suggest, therefore, that all current trends within and without the police service are moving against the direction pointed by Margaret Simey.

Ever increasing rule from the centre and the acceptance by the police themselves of the idea of a unified police service rather than wholly autonomous police forces means that the influence of local government must continue to decline."(76)

This was the reply of Tony Judge (editor of the Police Journal) in 1976 to a previous article written by Margaret Simey, in which she argued that the new police committees were "reduced to being not very effective cogs in the administrative system of a public service."(77)

Eight years later, despite the rhetoric of Labour Councillors, the Labour controlled Police Committee failed to provide an effective challenge to these developments. In fact it could be argued that the capitulation of the current controlling Labour group to the political power of the Chief Constable has at times made the Merseyside Police Committee just another cog in the public relations

machinery of the Merseyside Police.

Up until the County Council Elections of May 1981, the minority Labour members of the Police Committee maintained a persistent challenge to the autonomous power of the Chief Constable. And even if much of this, as we can judge with hindsight, was largely rhetoric, the arguments did play a part in forcing the issue of 'who controls the police' into a major arena of public debate. The Merseyside Chief Constable, and indeed many of the other Chief Constables in England and Wales, through similar political pressures, resorted to defending their policing policies through national and local media. Indeed the regular dismissal of critics as subversives and 'ratbags' by senior police spokesmen did little to enhance their credibility, given that many of the critical voices raised were respectable Establishment figures.

Prior to the elections, Labour members of the Police Committee made many public criticism of the limited terms of reference of the 1964 Police Act, the inadequacies of the police complaints system and the lack of accountability of chief constables. With the assumption of a radical posture by the Labour members, it seemed at the time that if Labour gained control of the Police Committee, the Chief Constable would be faced with a direct political challenge to his political autonomy. In the midst of the public row over 'K' Division, Margaret Simey, on the Weekend World television programme in late March 1980, stated:

"I realise now there is no hope of running a big modern police force on rules that are really no more than a gentlemen's agreement."(78)

With the election of a Labour majority on the County Council just over a year later in May 1981, control of the Police Committee effectively passed into the hands of Labour; and with an absolute majority that could outvote the total combination of Liberals, Tories and Magistrates in opposition, the stage seemed set for a concerted challenge to the autonomous political power of the Chief Constable.

The issue was forced however much sooner than might have been expected. Only several weeks after the Labour Party had gained an absolute majority on the Police Committee, widespread rioting against police harassment and brutality broke out in most major cities in the country, the most intense of which took place in Brixton, Moss Side (Manchester) and Liverpool 8 (Toxteth area).

The catalyst for the uprising was persistent police racism.<sup>(79)</sup> Following the first uprising in Bristol in 1980 and the second in Brixton in April 1981, the third uprising several weeks later marked a more widespread and simultaneous expression of solidarity by black youth against the harassment, brutality and racism of the police force. In directly challenging the police by collective resistance, the black youth were joined in solidarity by many white youth, both in the inner city areas and in a wide scattering of suburban areas. On Merseyside the years of mounted anger and frustration felt by both black and white youths exploded over the weekend 3rd-5th July, simultaneously with uprisings in Southall, West London,

with further clashes in the following ten days spreading to many other areas around the country.

The clashes were perhaps the most intense in the Liverpool 8 area, where on the Sunday night 800 police officers confronted hundreds of black and white youths and the Chief Constable resorted to the use of CS gas - the first time it had been used in mainland Britain. 59 cannisters of the gas were fired causing serious injury to two people.<sup>(81)</sup> It was later revealed by the New Statesman that the type used were designed for piercing doors and windows and not for firing directly at people.<sup>(81)</sup>

Just under three weeks later, a second wave of rioting broke out in Liverpool coinciding with the visit of Michael Heseltine on a 'fact-finding' mission. For three nights police and youth again battled for control of the streets, only this time the police were out for revenge following their previous resounding defeat. The Chief Constable announced his intention to introduce 'positive policing' and gave orders for the driving of police vehicles at high speed at the crowds. The result of this policing strategy led to the death of a disabled man, David Moore, a broken back suffered by another and a woman having her legs and shoulders broken. In defending this policing policy, the Chief Constable declared:

"They can see the vehicle coming and they know what will happen if they get in the way."<sup>(82)</sup>

The new Labour-controlled Police Committee, faced with the sudden outbreak of widespread and prolonged rioting, was forced to make some quick political decisions. The

choice was quite simple in reality. The Committee could have either attempted to sack the Chief Constable on the grounds of inefficiency or, as with the 'K' Division confrontations, retreat from confrontation into sub-committees in the misconceived hope that the widespread popular feeling against the Chief Constable might strengthen their 'gentlemen's agreement'. As we shall see later, this was not to be the case.

For some on Merseyside, the Toxteth riots overshadowed the events in Knowsley of 1979, but for many working class people in the Knowsley area, particularly the youth, the inner city challenge to oppressive policing illuminated their own experiences of police harassment and brutality. On the barricades of Toxteth groups of young people from Huyton chanted 'Jimmy Kelly' and days later a crowd of youths confronted Divisional officers who 'came under a heavy attack of missiles and petrol bombs' at Halewood.<sup>(83)</sup> The Divisional officers were reinforced by the Police Support Unit who had been in action the day before battling with between 200 and 300 youths using petrol bombs. The police station in Speke was besieged on the same day. Elsewhere in the Knowsley Borough shop windows were smashed (in Prescott) and incidents occurred at Netherley. Disturbances also occurred in other parts of Merseyside including Tuebrook, Wallasey, Thornton and Bootle. However, it was Kirkby in the Knowsley Borough that came second to Toxteth in terms of large scale disturbance. As Oxford commented in his Report to the Police Committee on the riots:

"In areas outside Toxteth, only Kirkby suffered large scale disorder."<sup>(84)</sup>

The significance and extent of the rioting in areas outside the inner cities was played down considerably by the media. They were contemptuously dismissed as 'copy-cat' rioting and treated as an enigma; a kind of meaningless aberration to what was forcefully defined, particularly in the popular press, as a 'race riot'.

On the evening of Tuesday, July 7th, two days following the major battles of the weekend in Liverpool 8, a burning barricade was erected across Quarryside Drive near the Northwood district of Kirkby. According to the Chief Constable, petrol bombs were being manufactured in a home near the Peacock Public House:

"On investigation two police officers were confronted by a crowd of approximately 100 persons who formed themselves into a human barricade across Bigdale Drive. Bricks and other missiles were thrown at the police vehicle and a petrol bomb exploded in front of the vehicle. The police drove off through the crowd and only the police vehicle was damaged."(85)

That evening five officers were injured and two vehicles damaged. The following evening 150 youths again built a barricade across Bigdale Drive, the police were petrol bombed and retreated:

"Divisional police officers attended but despite attempts to dislodge the youths, they were forced to retreat out of range of thrown missiles. A third attempt was mounted by the police using a police vehicle as cover with foot patrols using shields on either side. This was successful and the youths were dispersed."(86)

The youths then regrouped about 200 yards further down the road near the Woodpecker Pub. Here they were joined by "sightseers" and "patrons" of the pub, resulting in about 700 to 800 persons blocking Bigdale Drive.

The crowd was attacked by the police again using shields under 'a barrage of missiles' and eventually succeeded in splitting up the crowd and completely dispersing it. Later, a large group of youths were dispersed while attempting to force entry into shops in Roughwood Drive. That evening, 25 officers were injured, 6 police vehicles damaged and 14 people arrested.

Again, the following evening, with earlier incidents of storming of police vehicles:

"From 2315 hours 150 youths were gathered on waste land in Brookhey Drive/Gilscroft Avenue, armed with missiles. Whilst assistance was called, the youths were kept under police observation. At 2350 hours when the police strength was considered sufficient, the youths had re-grouped on the car park of the Woodpecker Public House. A frontal approach was made by police who came under heavy attack from missiles thrown by youths. They dispersed and 5 persons were arrested for public order offences. Whilst this action was taking place a group of about 25 youths, using building debris, made a barricade across Park Brow Drive/Thirsby Crescent. The police attended and although stoned, causing damage to police vehicles, four youths were arrested and the group dispersed."(87)

Whilst the battles in the Knowsley area were quite a way from the extensive battles of Liverpool 8, they nevertheless placed a significant strain on the Divisional police and in the case of Huyton and Halewood, PSU's were drafted in to make up the stretched manpower. Indeed it was 'the minor skirmishes' such as these which took place in many areas of the country which stretched the manpower and resources of the police to such an extent that breaking point was almost reached in Toxteth where Oxford felt the need to resort to CS gas to 'defend the city centre'.

It was clear from the intensity and extent of the riots on Merseyside that in many areas there existed strongly felt resentment at policing methods in working class communities. This feeling became politically organised into an 'Oxford out' march called by the Liverpool 8 Defence Committee and the Liverpool Trades Council. Hundreds of trade unionists and unemployed black and white youth marched from Sefton Park, through Toxteth and into the city centre. Along the route police officers were given verbal abuse and minor skirmishes occurred. Indeed it was only effective stewarding by members of the Liverpool 8 Defence Committee which in several instances saved isolated police officers from some very dangerous predicaments.

The demand for the sacking of the Chief Constable was not, however, to be pursued by the Police Committee. An attempt to dismiss Oxford from his mismanagement in the handling of the riots would perhaps have tested their notion of police accountability. Instead they chose to 'censure' the Chief Constable. The power of dismissal is framed within the 1964 Police Act:

"... the police authority, acting with the approval of the Secretary of State, may call upon the chief constable to retire in the interests of efficiency."  
(88)

Oxford had clearly shown a complete lack of knowledge, or interest in relations between his police force and the Merseyside communities they police. Two months prior to the full scale anti-police riots on Merseyside, Oxford had this to say in his annual report:



# NATIONAL DEMONSTRATION AGAINST POLICE HARASSMENT & FOR THE DISMISSAL OF MERSEYSIDE'S CHIEF CONSTABLE

Liverpool 8 Defence Committee

Liverpool Black Organisation

Charles Wootton Centre

supported by

LIVERPOOL TRADES COUNCIL

LIVERPOOL LABOUR PARTY

NORTH WEST REGIONAL T.U.C.

**Liverpool 15th August, 3pm  
Sefton Park Obelisk, Ullet Rd**

bring your banners

## WHY OXFORD MUST GO

The call for the dismissal of KENNETH GORDON OXFORD, Chief Constable of Merseyside, is made by the Liverpool Black Organisation, the Liverpool 8 Defence Committee, the Charles Wootton Centre and the Liverpool Trades Council, in the firm conviction that his racist, repressive and brutal policing methods have resulted in excessive police harassment, especially of black people, which stretches back many years. Oxford must take the ultimate responsibility for this.

Oxford's own racism is an established fact. He is well known for making derogatory and racist remarks in public about the Liverpool 8 community.

- He has referred to the black population as 'half-castes' and the 'product of liaisons between black seamen and white prostitutes' and as 'criminal hooligans'.

If the Chief Constable is a known racist, how can he be capable of stamping out racism in his own police force?

Oxford has shown himself to be incompetent as well as racist. His handling of the riots themselves led to a situation where he failed abysmally to maintain proper policing of the Lodge Lane area on the night of the 5th/6th July. His decision to use C.S. Gas was taken without first consulting the Home Secretary or the Chairman of the Police Committee. The gas was fired without any warning, and the kind used was specifically prohibited for use in crowds. The gas projectiles were used in a criminally dangerous manner and fired directly at innocent people, causing serious injuries. Deaths could have easily resulted. We regard these actions as criminal and find it totally unacceptable that Oxford should lead an inquiry into his own short-comings.

In the weeks following the major riots in Liverpool 8 police harassment has continued. Young people have been stopped and searched for no reason at all. They have been racially abused. Many have been arrested and charged with relatively trivial offences and then been denied bail or visits from parents. The continued harassment of people on the streets has created further resentment and frustration, and has led to a situation which is now dangerously explosive. In the more recent disturbances aggressive and brutal police tactics have been used: innocent people, including pregnant women dragged from their beds, an 18 month old baby was thrown from its cot by police. Police vans and Landrovers have been deliberately driven into people. One youngster was pinned against a wall by a police Landrover and is now seriously ill in hospital with a broken back. On the night of the 28th July a young man was killed by the use of such tactics. We regard this as murder and hold the police ultimately responsible.

### WE DEMAND :

- AN END TO POLICE HARASSMENT
- POLICE ACCOUNTABILITY AND DEMOCRATIC CONTROL OF THE POLICE.
- FAIR AND INDEPENDENT POLICE COMPLAINTS PROCEDURE.
- AN IMMEDIATE AND INDEPENDENT INQUIRY INTO POLICE ACTIONS DURING AND AFTER THE "TOUGHEN RIOTS."
- THE DISMISSAL OF OXFORD

LIVERPOOL DISTRICT  
LABOUR PARTY



LIVERPOOL TRADES COUNCIL



# support NATIONAL DEMO

LIVERPOOL 8  
DEFENCE CTEE

Sat. 15th August  
3pm  
Sefton Park Obelisk

LIVERPOOL TRADES COUNCIL

LABOUR P

A call to all sections of the Labour Movement to support demonstration called by the Liverpool 8 Defence Comit

SATURDAY 15TH AUGUST 1981

3 P.M.

meet at: SEFTON PARK OBELISK - ULLET ROAD.

The appalling riots in Toxteth, and in other areas Merseyside and the county generally, are a grim warning to the trade unions, the Labour movement and working people generally. Massive unemployment and deprivation in these areas, coupled with evidence of police brutality, created the conditions for the rioting to explode.

Both the Trades Council and the Labour Party believe the policies of the Thatcher Government, of massive cut in public expenditure and the totally ineffective, undemocratic control of the police, are the major causes of the riots.

The Trade Union and Labour movement, and all community organisations, call on you to join the demonstration, show your support for:

- \* The removal of Chief Constable Oxford
- \* An end to mass unemployment
- \* Restoration of all cuts in public expenditure
- \* Democratic accountability of the police
- \* The defeat of the Thatcher government
- \* The return of a Labour Government committed to Socialist policies
- \* Central Government to meet the full cost of compensation claims for properties damaged or destroyed in the riots.

"My policy on relationships with the community has been endorsed and strengthened throughout the year with all members of the force being mindful of their obligations in this direction. I am confident that these relationships, with all sections of the community, are in a healthy position and I do not foresee any serious difficulties developing in the future."(89)

Several weeks later, Oxford's men were engaged in full scale battles. In defending the racist and coercive nature of his policing policies, Oxford fell back on the authoritarian and reactionary ideology which underlined his law enforcement policies.

Even if the Police Committee had decided to 'give up the blame game' (90) the Chief Constable made it quite clear who he thought were responsible for the riots. For the Chief Constable the blame lay with 'irresponsible parents' who 'allowed' their children to go on an 'uncivilised rampage'. (91)

The failure of the Police Committee to mount an effective political struggle against repressive policing absolved the Chief Constable from any effective constraint via popular democratic action.

The retreat into sub-committees came swiftly once the dust of Liverpool 8 had settled. By the end of the month a working party was already underway "to examine means whereby relationships between the police and the public can be improved and to make recommendations thereon to the Police Committee." (92) Although it must be acknowledged that the Report published by this working party was useful in terms of outlining the general criticisms which had been levelled against Merseyside police over

the years, most of this was already known to the Police Committee; the indiscriminate and extensive use of 'stop and search'; verbal abuse and physical violence on the part of the police; subsequent arrests on the sole charge of assaulting a police officer; over-reaction to street incidents, particularly those involving mobile patrols; the failure of the complaints system. These have been regular features of policing in many parts of Merseyside. However these features represent more than a problem of wrong 'police attitudes'. In discussing 'general police attitudes' the working party noted: "... tendencies to regard large areas of the population as potential criminals and second-class citizens."<sup>(93)</sup> This however is more than simply a 'police attitude' but represents a clear policing policy upon which new forms of policing over recent years have been developed and tested on such communities. Moreover this position also applied to the working party's note of 'a lack of understanding of and sympathy for the way of life of ethnic minority groups'.<sup>(94)</sup> This again is more than a general police attitude, but deliberate and sustained racist policing policies formulated by the corporate management and permeated throughout the force.<sup>(95)</sup> The racist statements of the Chief Constable<sup>(96)</sup> and the racist abuse frequently shouted at black people from vehicle patrols<sup>(97)</sup> testify to this position.

With the riots following shortly after Labour gaining control of the Police Committee and the decision not to directly challenge the Chief Constable by demanding his resignation, the alternative course of conciliation

required some political gymnastics on the part of the Labour members. In an earlier manifesto on policing policy for Merseyside, the direction of political strategy was expounded:

"While we are committed, therefore, to the provision of a strong and effective police force, we are emphatic that it must be one which is firmly under democratic control and highly sensitive to the feelings of the local community which it exists to serve."(98) (my emphasis)

and also:

"There is no doubt that the really energetic exercise of such powers as the Authority already possess could do much to restore the balance of power between police and elected members."(99)

However, following the riots the emphasis changed; it appears that the Labour members had lost their balance:

"To focus on arguments about control is simply not realistic. A continuous balancing act is what is called for; the achievement of this balance is of course the essence of the job of the politician."(100)

The Police Committee subsequently embarked upon a public relations programme by setting up 'Community Liaison Forums' in areas around Merseyside. The struggle for democratic control of the police had been abandoned:

"... the authority has abandoned the pursuit of the delusion of "control" and has concentrated instead on the regeneration of the political dimension of policing as a public service."(101)

In place of the struggle for democratic control, the Police Committee capitulated to the political autonomy of the Chief Constable and set about erecting public relations facades to foster the belief that 'local community groups' could in some way influence the policing of their areas.

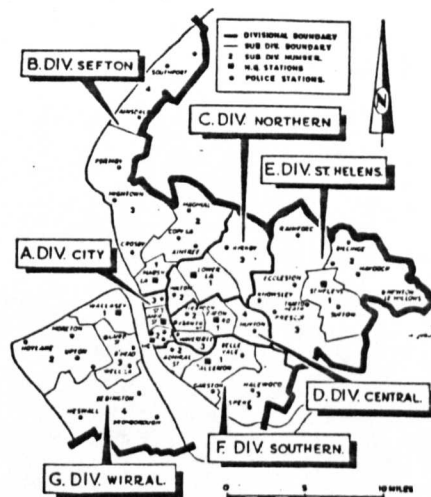
The problem became defined in terms of police-public relations which needed to be improved and the solution was seen to lie in 'Community Policing' type schemes. They argued there was a 'lack of feed-back' after meetings between police and local community groups,<sup>(102)</sup> and set about attempting to incorporate local 'community leaders' into liaison schemes to create the illusion that they could have some influence in policing matters whilst in reality, in terms of day-to-day policing practice, the policies continued to get more coercive and reactionary and the liaisons served as a useful tool for information gathering:

"We support the call from the Probation Service and the Churches for regular meetings between police officers and other professional colleagues in day-to-day contact with the public, i.e. social workers, probation officers, church leaders, community workers, trade unions and employers' associations."<sup>(103)</sup>

#### The Role of the Police Liaison Forums

"Merseyside Police Authority had consequently failed to fulfil its responsibilities as a vital cog in the machinery for governing policing as a public service."<sup>(104)</sup>

Policing is "governed" by the police corporate management at the head of which stands the Chief Constable. Police authorities, as constituted under the Police Act 1964, do not exist as 'a cog' in the 'governance' of policing; their role is administrative, as defined under the 1964 Police Act; they have no responsibilities for the political or 'governmental' direction of policing. With the abandonment of the struggle for democratic control of policing by Merseyside Police Authority, the establishment of Police Liaison Forums became a kind of surrogate



## THE POLICE AND YOUR COMMUNITY-

CAN YOU HELP?

THE NEW POLICE COMMUNITY  
LIAISON FORUMS ON MERSEYSIDE

### The Police and Your Community- Working together for a better Merseyside

#### The Scarman Report

Lord Scarman's report on the Bristol disturbances recommended that closer links should be forged between the Police and the local communities.

The Scarman proposals were accepted by the Government which has now issued guidelines on the setting up of local liaison committees or 'forums'. These forums will give EVERYBODY in the local community the chance to have his or her say about matters concerned with the Policing of your area, including crime and related issues.

#### How will it work on Merseyside?

Merseyside Police Committee is the 'Police Authority' for Merseyside. The Police Committee and the Chief Constable have decided to set up a number of 'Police Community Liaison Forums'. For police purposes, Merseyside is split up into seven Police Divisions which are divided into 24 Sub-Divisions. The map on the back of this leaflet shows the area covered by each Sub-Division, so you can see in which Police Sub-Division you live.

Each Sub-Division is headed by a Superintendent of Police and he and his officers, by virtue of the detailed knowledge of the area and their work in the community, are well placed for responding to local policing problems. These officers will attend all meetings of the Forum in their Sub-Division and will provide the all-important link between the police and the local community.

#### Who will be on the Forums?

Each 'Forum' will be open to the public and will include representatives of the following bodies:-

1. Local community and voluntary organisations and residents' groups.
2. The Business Community.
3. The District Councils and Parish Councils (where appropriate).
4. Merseyside County Council, including the Police Committee.
5. Any other representative group who can make a positive contribution.

#### When and where will the Forums meet?

The Forums will not all come into existence at the same time. However, probably at least one Forum will be set up from the start in the Knowsley, Liverpool, Sefton, St. Helens and Wirral districts of Merseyside.

There is no fixed timetable for meetings of the various Forums but, subject to local circumstances, each Forum would possibly like to meet say, three or four times a year. This is not to say that a meeting of the Forum could not be held at short notice if an urgent matter affecting the local community needed immediate attention.

To take account of local needs, meetings of the Forums will be held in various public buildings, community centres, schools... indeed, in any suitable buildings in the Sub-Division areas.

#### How will you know when a meeting is to take place?

The answer is that each meeting in your area will be well-publicised using such means as posters and adverts in the local media and in Libraries, Citizens Advice Bureaux, Police Stations, etc.

#### What happens afterwards?

In many cases it will be possible for the senior police officer for the area to respond very quickly to points raised at a meeting. In other cases it may be necessary for particular issues to be referred to the Chief Constable and/or to the Police Committee.

A brief record of the proceedings will be kept for future reference.

#### Further information?

If you have any queries, for example - should you find it difficult to tell which Police Sub-Division you live in - or you would like to know more about the new Forums, please call at your local Police Station or telephone 709-6010 and ask for advice.

Produced by the Merseyside Police Committee and Merseyside Police

Metropolitan House,  
Old Hall Street,  
LIVERPOOL. L69 3EL.

Police Headquarters,  
Canal Place,  
LIVERPOOL. L1 1JD.

October, 1982.

#### Merseyside Police Stations Telephone:- 051 709 6010

##### 'A' Division

St. Anne Street  
Ext. 2727

Copperas Hill  
Ext. 2766

Westminster Road  
Ext. 2785

##### 'B' Division

Marsh Lane  
Ext. 3016

Copp Lane  
Ext. 3049

Crosby  
Ext. 3103

Southport  
Ext. 3073

##### 'C' Division

Lower Lane  
Ext. 3316

Walton Lane  
Ext. 3343

Kirkby  
Ext. 3372/3

##### 'D' Division

Edson Road  
Ext. 3615 & 3617

Toxteth  
Ext. 3640 & 3641

Wavertree Road  
Ext. 3655 & 3657

##### 'E' Division

St. Helens  
Ext. 3913

Newton-le-Willows  
Ext. 3947

Premont  
Ext. 3960

##### 'F' Division

Admiral Street  
Ext. 4236

Belle Vale  
Ext. 4276 & 4277

Spoke  
Ext. 4296

##### 'G' Division

Wallasey  
Ext. 4516

Noplake  
Ext. 4556

Birkenhead  
Ext. 4571

Subington  
Ext. 4608

MERSEYSIDE POLICE AUTHORITY

MERSEYSIDE POLICE

POLICE LIAISON FORUMS

TERMS OF REFERENCE

1. The object of each Forum will be to provide a means for members of local communities to meet with and discuss matters relating to the policing of their area, including crime and related issues, with local police officers and members of the Police Authority and District Councils.
2. Each Forum will consist of three representatives appointed by the County Council (one of whom will be a member of the Police Authority), three members appointed by the local District Council, one member appointed by any Parish Council within the area served by the Forum, together with representatives of voluntary organisations and residents' and community groups within the area. Each meeting will include a session open to the public.
3. Substitute representatives will be allowed and, wherever possible, advance notification of the name of a substitute member should be notified to the Clerk of the Forum. The Police will be represented at each Forum by the Sub-Divisional Superintendent, together with such other officers as the Superintendent and/or the Chief Constable considers appropriate having regard to the matters to be discussed.
4. The other statutory agencies, ie housing, education, social services, will be represented through the District Councillors with each agency free to send along to any Forum meeting an officer from the relevant service where appropriate.
5. The Forums are intended to provide an opportunity for discussing matters relating directly or indirectly to the policing of the area. The Chairman may in his or her absolute discretion decline to accept an item for discussion/consideration if it is not considered relevant or for some other reason it is not appropriate for it to be the subject of public debate, eg. cases which are sub-judice, allegations of crime against individuals.
6. It is open to members of the Forum to contact the Police or the Clerk at any time to pursue progress on issues raised previously or to ask for items to be placed on the next agenda.
7. The venue and frequency of meetings of each Forum will be for determination by the Forum but, as a matter of general guidance, they will each probably need to meet between three and four times per year. The Police Authority will keep the overall format and membership of Forums under constant review.
8. Chairmanship The chairmanship of each Forum will be taken initially by a member of the Police Authority. It will be appreciated that in setting up these consultative bodies the Merseyside Police Authority wants to be informed of the issues raised so that it can keep abreast of matters of common concern to the community. It will be for the Chairman to see that this is carried through.



9. The proceedings of each Forum meeting will be recorded by the Clerk to the Forums, who will be a member of the staff of the Clerk to the Police Authority. Copies of proceedings will also be available to members of the Forum, and to any member of the public who submits a request for a copy. Copies will also be made available to District Councils, Parish Councils and voluntary organisations, where requested. A summary of the issues raised at each meeting will be submitted to the Police Authority and the Chief Constable.
10. A notice of a Forum meeting will be sent to members of that Forum at least seven days in advance, together with an indication of matters which the Clerk to the Forum has been specifically asked to place on the agenda. This will not, however, preclude a member of a Forum, or a member of the public, from seeking to raise any relevant matter not included on the agenda.
11. General

The Police Authority (or where appropriate the Chief Constable) shall be the final arbiter on any circumstances not provided for herein.

The arrangements for all Forum will, of course, be kept under constant review.

November, 1982

travesty of the old local watch committees. However whereas the old watch committees, even following the Desborough changes, <sup>(105)</sup> had some degree of sanction and authority, the Police Liaison Forums were essentially toothless and moreover had in practice become largely composed of members of groups and organisations that could hardly claim to speak for the vast majority of local working class residents. The liaison forums were set up following publication of the recommendations of the Scarman Report with the aim of establishing 'closer links' between police and local communities. Commenting on the relatively small attendance of the forums, Mrs. Simey stated:

"The type of people who attend are those who act as communicators for the area .... I don't think we want too many people." (106)

The forums were launched following a series of public meetings around Merseyside. Topics discussed obviously varied from area to area, but some issues were not up for discussion. For example at St. Helens, Mrs. Simey was asked why the police committee had not attempted to dismiss the Chief Constable following his handling of the riots. She replied that the whole matter was still under investigation and the facts had still to be established. It then was pointed out that the facts were already known, i.e. that a disabled man had been run down and killed by a police vehicle acting on the Chief Constable's policy of "positive policing" and lethal types of CS gas cartridges had been fired directly at people causing serious injury. She replied that the matter was not to be discussed.

At another public meeting at Newton-le-Willows, a sub-division of St.Helens, most of the 'community leaders' expressed some complaint or other about youth. Charles Oxley of the 'Campaign for Law and Order' and the owner of a private school in Rainhill and who, we might note in passing, was not a resident of Newton-le-Willows, complained about the lack of police enthusiasm shown in response to his call making a complaint about a couple of young boys he'd caught peeing on the wall of his estate.

In a similar vein, a local vicar complained of youth in his belfry. Apparently scaffolding had been erected around the belfry for repairs and he had problems with youth climbing all over it. The good vicar eventually became so upset at this that he did the christian thing and threatened the youths with a bicycle chain. Police representatives assured the vicar that the matter would be looked into.

In some respects the initial public meetings called to launch the CLF's were useful in terms of providing a platform for members of the public to make criticisms of policing in their areas. The antagonism to reactive forms of policing was particularly made clear; however the liaison forums which were established from these public meetings would have no influence or sanction on policing policies such as these, or indeed any policing policy. As Peter Wright, Deputy Chief Constable said in supporting the idea of the forums: "It is not enough to be in touch - conditions demand that they (the police) must be seen to be in touch." (107)

Following the riots and the Police Committee's climb down from a confrontation with the Chief Constable, the Labour councillors embarked upon a strategy of conciliation of which, as we have seen, the liaison forums have been an important component. No doubt they felt that such directions would boost their political credibility. Whether or not the elected members really believed they had some influence is debatable, but there is no doubt that they acted as if they did. Tony Judge of the 'Police Journal' must have been feeling in a particularly cynical mood when he commented:

"... Margaret Simey is tasting real political power for the first time in her long career in local politics."(108)

Nowhere does Mr. Judge tell us what this 'real political power' consists of.

The emphasis for Simey was no longer the question of democratic control of policing. The theme became "partnership":

"If we cannot have partnership between chief constables and police authorities, we are done for."(109)

- argued Simey, one year after the riots. Simey and her party thought that because they had assumed control of the Police Committee, the reactive policing policies and the autonomy of the Chief Constables could be curtailed by appeasement. In attempting to obscure their failure to achieve this, they simply swept the issues under the carpet, and in the process a dangerous vacuum had been widened. These illusions effectively provided a convenient veneer for the continuation and further development of reactive

# LETTERS TO THE EDITOR

## Why the answer to all the Met's problems is a police authority elected by the people

Sir, — You conclude your Leader (November 19) on the report on the Metropolitan Police by asking, in effect and with some despair, how the gulf between the force and the people it exists to serve can be bridged.

It surprises me that the obvious answer should elude not only yourself but also Sir Kenneth Newman and the writers of the report. Let them get themselves some representatives of the public, duly elected by the people through the normal democratic process: in other words, a police authority.

I make the suggestion with the confidence of experience. The message which emerged from the mini-Scarman inquiry conducted by the Merseyside Police Authority after the disturbances of 1981, was that it was democracy which had failed the people of Toxteth and not the

police. Put bluntly, it was the failure of the police authority to fulfil its political duty to ensure that the people were policed by their own consent and according to their own wishes so far as was possible, which had brought the situation to flash-point.

Benefiting by that salutary experience, the authority has abandoned the pursuit of the delusion of "control," and has concentrated instead on the regeneration of the political dimension of policing as a public service. To this end, we have pursued a programme designed to facilitate the two-way interchange of ideas and criticism between police and policed; to introduce the more searching scrutiny of how public money is spent on policing; and to monitor the effectiveness of the service rendered.

In consequence we have, we like to think, made con-

siderable progress towards that ideal of partnership-policing which is the essential basis of any democratic police force. We commend the lesson of our experience to the London Met. — Yours truly,

Margaret Simey.  
3 Blackburne Terrace,  
Liverpool.

policing. Nothing has changed with regard to this process, and yet for Mrs. Simey in 1983:

"... the bond between the Merseyside Chief Constable and the Committee was now excellent."  
(110)

Policing on Merseyside continued to be reactive and coercive but the elected Labour members of the Police Committee chose to ignore this. Nationally they commended this strategy of 'partnership policing' which was bankrupt from the start, as working. It was misleading and dangerous. In commending the establishment of a police authority to Londoners as the answer to their policing problems, they effectively avoided confronting the continuation of police abuse, harassment and violence, and offered a recipe of cynical deception:

"In consequence we have, we like to think, made considerable progress towards that ideal of partnership policing which is the essential basis of any democratic police force. We commend the lesson of our experience to the London Met."(111)

#### Partners in what?

It is in this notion of 'partnership policing' that the appearance of power-sharing was fostered to obscure the political powerlessness of the Police Committee. In reality this 'considerable progress' which Simey referred to was largely a progress in rhetoric, which collapsed when confronted with the policing of the miners' strike of 1984. In return for the police corporate management's acquiescence with the Police Committee's 'Community Liaison' schemes, the rhetoric of the Police Committee shifted between 1981 and 1983 from confrontation to conciliation:

"Professional and politician must therefore for all practical purposes enter into a working relationship as between partners who are equal but different."(112)

A partnership, maybe - but not of equals. Such notions lay at the centre of their idealist conception of policing. There was either a failure or an unwillingness to confront the pervasiveness of coercive law enforcement practices on Merseyside. Instead, there was perpetuated an uncritical deference to the notion of the Chief Constable's 'autonomy' and 'responsibility' for 'the impartial enforcement of the law'.<sup>(113)</sup> With this position, there could be no recognition of the selective enforcement of laws, nor a recognition of the political and ideological determinants of law enforcement policy. And therefore there emerged a subsequent failure to identify the political and ideological basis of the reactive forms of policing which emerged during the 1970's and were soon to form component elements of the later establishment of an autonomous and nationally controlled para-military police force in the wake of the 1981 riots and consolidated in the 1984 miners' strike.

It was during the 1984 miners' strike that the 'partnership policing' rhetoric of the Labour controlled Police Committee collapsed in the face of the escalating costs of policing the dispute. Censure motions were passed over the Force's £5 million bill for overtime during the dispute.<sup>(114)</sup> However operational issues concerned with the policing of the dispute were given little consideration by the Committee. In the Merseyside Borough of St.Helens, frequent complaints were made by the local mining

communities about police tactics on picket lines. Contingents of P.S.U.s from Merseyside and other forces were stationed in various localities around St.Helens for the daily policing of the dispute in the Lancashire coal-field. The effect of the influx of these mobile contingents on the local town created conditions of saturation policing similar to that previously experienced in the inner cities. Evidence for this emerged the following year in the Annual Report of the Chief Constable concerning a dramatic rise in convictions and cautions for drunkenness in the town. A report in the local paper failed to identify the link between the two issues:

"Incidents of drunkenness last year showed a marked increase in St.Helens as against a dramatic drop in Knowsley, according to the Chief Constable, Mr. Kenneth Oxford....  
.... The 535 cases of convictions and cautions for drunkenness in St.Helens in 1983 rose by 23 per cent to 658 in 1984. Knowsley's 1983 figure of 603 dropped by 30 per cent to 422 last year."(115)

This seemingly inexplicable shift in rates of drunkenness for the two neighbouring Boroughs can only be understood with reference to the policing of the miners' strike.

We have already noted in some detail in Part 2, the law enforcement policies of the Merseyside Force on drinking and its implementation in the Knowsley Borough during the late seventies. As with other areas of Merseyside, reductions in police cover as caused by the shift of resources into policing the strike was the likely cause for the sharp decrease in offences in Knowsley and their subsequent rise in St.Helens.

Confrontation between the Police Committee and the Chief Constable once again came to a head in March 1985



when the Chief Constable failed to attend a Police Committee meeting in which new policing guidelines within Merseyside County Council's £213 million cash limit were being debated.<sup>(116)</sup> The Chief Constable had sent his apologies and went to attend a conference on terrorism in the U.S.A., which he stated was at the request of the Government.<sup>(117)</sup> At a special meeting of the Committee on the 24th March 1985, the Labour Group noted the Chief Constable's failure to inform the Committee of his intended absence:

"... the central degree of confidence and mutual respect between the Authority and the Chief Constable appears no longer to exist."<sup>(118)</sup>

For the Labour Group, the issue was seen as 'the last straw',<sup>(119)</sup> in the long series of confrontations between the Committee and the Chief Constable. At the time of writing (June 1985) a report is being prepared for the Home Secretary detailing the Committee's case and requesting Home Office approval to dismiss the Chief Constable.

It is, however, unlikely that this issue will force the dismissal of the Chief Constable given its nature. Moreover, with the absence of a popular campaign to support the demand, as would have been the case had the demand been made at the height of the 'Oxford Out' campaign following the riots of 1981, the issue lacks effective political weight. Indeed it is likely the issue will still be left unresolved when the Police Committee is abolished along with the County Council in 1986.<sup>(120)</sup>

3) POLICING LATE CAPITALISM

Preventive policing emerged in the course of the evolution of capitalism in Britain as a general system of law enforcement and order-maintenance and was established as a permanent presence within working class communities. As preventive policing was expanded in the provinces during the nineteenth century and consolidated in the first half of the twentieth century its formal development saw the gradual diminution of its more overt para-military characteristics and a broadening and specialisation in methods of information gathering in crime detection and political surveillance. In this respect, as capitalism progressed in the twentieth century, creating new productive forces, an expansion in mass commodity production and circulation, structural changes in social relations and, particularly in the post-war period, a restructuring of working class communities, all led to corresponding changes in the traditional character of preventive policing. By the 1950's the general form of preventive policing proved increasingly inadequate in meeting the expanding reproductive needs of late capitalism.

We have already documented the expansion of police forces over recent years as part of the state's policy in coercive management of the recession and its social

consequences. As examined in Parts I and 2, the outcome of this process has been the development of reactive forms of policing, shaped by reactionary 'law and order' ideologies. The new para-militarism, which has characterised police strategies in policing political protest, industrial disputes and working class estates in recent years has been developed by police chiefs who have enjoyed considerable political autonomy in the formulation and implementation of their law enforcement policies.

These developments have not however gone unchallenged by the liberal establishment who have witnessed over recent years the erosion of their ideological hegemony in matters of state policy. As an alternative to reactive policing and its overt para-militarism, the liberals (and indeed some radicals) have advocated 'community policing' schemes and encouraged their practical development in many forces around the country.

The counter-position of 'community' policing to the coercive, heavy-handedness of reactive policing is however misleading. This problem arises from the basic assumptions of liberalism about the role of the police in society. Policing is essentially viewed as a neutral process of law enforcement in a society where all citizens are equal before the law. It exists as a service for the prevention of crime and to uphold the rights and freedoms of the people, and must operate with the consent and support of the people. Para-militarism is viewed as a strategy which undermines this consensual relationship and weakens the function of the police as a community service. 'Community policing' is prescribed as the necessary remedy for

restoring public confidence and support for the police.

These assumptions fail to recognise the class role of the police and the historical fact that para-militarism is endemic to policing under capitalism. This para-military character may vary in form at different times and in different places, but it has essentially remained, either overtly or covertly, within the expanding structure of the police system. The development of 'community policing' schemes, and particularly their marketing in the media and local neighbourhoods, has been used as a public relations exercise to obscure the continual development and consequences of reactive policing. For Brogden, this public relations character of 'community policing' has been its key feature, and used by the police for the 'mobilisation of consent'. (121)

However there is another important aspect to 'community policing' schemes, which Brogden neglects, and that is their role in pre-emptive policing. This has been clear since Alderson's early programmes in the Devon and Cornwall Constabulary. Since the 1970's the ideas of John Alderson, ex-Chief Constable of Devon and Cornwall, have gained increasing ground in police and political circles. Alderson's experiments in 'community' (or 'pro-active') policing have steadily gained increasing sympathy amongst liberals and left-reformists as an alternative to reactive policing with its emphasis on para-militarism. Alderson himself writes:

"Social pressures tend more and more to seduce police thinking and public awareness away from (preventive policing) towards a quasi-military reactive concept." (122)

However, in practice 'community policing' schemes have come to serve as a supplement to reactive policing and an extension of pre-emptive policing. Even Alderson's Devon and Cornwall Constabulary had Police Support Units trained in crowd control techniques and the use of riot shields<sup>(123)</sup> during his time as Chief Constable. The cultivated consensual image of 'community policing' as an alternative to reactive policing is deceptive:

"... Community policing merges at the local level the coercive and consensual functions of government, enabling the police to wield a frightening mixture of repressive powers, on the one hand, and programmes of social intervention on the other, as mutually reinforcing tools in their effort to control and contain the political struggles of the black and working class communities."<sup>(124)</sup>

For Alderson, 'community policing' 'seeks to reinforce social discipline and mutual trust in communities' and 'envisages a very high degree of coordination and co-operation with all other agencies of government from the top administrative level to the bottom working level'.<sup>(125)</sup>

In some respects, 'community policing' may be viewed as an 'extension' of traditional preventive policing.<sup>(126)</sup> However as a strategy for information gathering conducted within the context of computerised command and control systems, 'community policing' with its emphasis on 'penetration' of the community 'in a multitude of ways' <sup>(127)</sup> is merely pre-emptive policing legitimised by public relations ruse.

Since the Scarman enquiry into the riots of 1981, this Public Relations aspect of 'community policing' has been expanded, particularly with the creation of police-

community liaison schemes, for the two fold purpose of  
a) fostering illusions amongst 'community leaders' that  
they can influence law enforcement policy in their areas,  
and b) to formalise the 'penetration' of committees for  
surveillance and information gathering. In this respect  
'community policing' as a pre-emptive policing strategy  
is in fact complementary to reactive policing, and indeed  
counter-insurgency planning:

"Counter-insurgency theory not only stresses the  
need to combat domestic subversion, but also the  
annexation and synchronisation of social and  
welfare state institutions under police control."(128)

Major David G. Epstein, a U.S. Army counter-insurgency  
expert, further emphasises this role of the police in  
counter-insurgency strategies:

"The police must expand their public service and  
information services with the view of winning  
friends and influencing people. If the police  
must expand into operational areas not traditionally  
looked upon as police concerns such as social relief,  
the justification for such a move can easily be found  
in the objective sought."(129)

#### The Counter-Insurgency Force

During the first half of the 1980's there were two  
major counter-insurgency operations conducted by the police.  
One against the inner cities in 1981, the other within the  
coalfields in 1984-5. Both these operations revealed the  
extent to which para-militarism had come to figure promin-  
ently in policing strategies for repressing working class  
struggles. This para-militarism has always existed in  
varying degrees in British policing; however during the  
1970's and 1980's it began to assume a more cohesive form  
of organisation through the development of specialist

squads. By 1985 the new para-militarism had been fully institutionalized as a national Counter-Insurgency Force under a centralised command and control system operated by the Association of Chief Police Officers.

The extent of the organisational and operational development of the Counter-Insurgency Force between 1981 and 1984 can be gauged when comparison is made between police organisation and strategies in the 1981 riots and the 1985 miners' strike.

During the Bristol anti-police riots of 1980, the police initially used milk crates as makeshift riot shields during the early stages of the disturbances. They were taken by surprise by the scale of opposition and forced to retreat until the arrival of more riot equipped reinforcements, during which time the insurgents had control of the streets for three and a half hours. (130)

Following the Bristol riot, moves were under way to centralise and expand the organisation and structure of police riot contingents and by the time of the widespread anti-police riots in the inner cities during the spring and summer of 1981, the framework of a national riot force - a third force - had been established. However, again during the initial stages of the riots in Brixton (April) police riot contingents withdrew under the weight of opposition and in Liverpool 8 in June the Chief Constable gave the order 'that tear gas should be used, in the full knowledge that this breached Home Office guidelines which restricted use of the gas against armed and besieged criminals only'. (131)

From these shortcomings in the strength and operational inefficiencies of the national riot force which arose from the 1981 riots, and the subsequent publication of the Scarman Report, 'community policing' schemes were expanded, particularly 'community liaison forums', and again the operational structures and resources of the national riot force were also further expanded. As Kettle and Hodges have noted:

"... the official response to Bristol had been to investigate better ways of providing police mutual aid for crowd control. The immediate response to Brixton was to order new types of helmets and to improve protective clothing and shields. And the official reactions to the July riots, especially the rhetorical reactions, encouraged the police to stock up with better riot control hardware and suggested the reintroduction of the Riot Act."  
(132)

By the time of the 1984 miners' strike, the national riot force had become consolidated as Britain's Counter-Insurgency Force under the centralised and autonomous control of A.C.P.O. As Major Epstein recommended back in the late sixties:

"A centralized planning and command system which will control the police on a nationwide basis must be instituted where not already present."(133)

Britain now has a third force, and has had one since 1981. For Brogden however, writing in the aftermath of the 1981 riots, the riot contingents do not constitute a third force:

"... the shambles of the initial police reaction to the urban riots of 1981 suggests a lack of both commitment and preparation for that alternative role."(134)

Rather they are:



"... more akin to 'crisis-response' units than to the foundation of a permanent para-military Third Force."  
(135)

'Crisis-response' units they are indeed. All third forces are. That is what they are there for. They are counter-insurgency forces, mobile state para-military units established for the repression of internal dissent during periods of social, political and economic crises. They exist as a para-military reserve force - whether military orientated (for example the American National Guard) or police orientated (French CRS) - standing between the regular police structure and the Armed Forces. In Britain the ACPO controlled national riot force, with its own 'command and control' and operational headquarters, is now Britain's third force.

Circumstances requiring army intervention on the mainland to repress social unrest have been envisaged and planned for in the higher echelons of the state for some time. These moves have been monitored with equal foresight by libertarians and socialists, to expose this 'state within the state'. One such publication to emerge from this work, 'The Technology of Political Control' (1977) by Carol Ackroyd, Jonothan Rosenhead, Karen Margolis and Tim Shallice, <sup>(136)</sup> painstakingly pieces together from various sources the steps taken and to be taken on the road to what they term the 'Strong State'. <sup>(137)</sup> Much of their information is derived from the army itself in the form of Major General Sir Frank Kitson's book 'Low Intensity Operations', <sup>(138)</sup> and the 'Army Land Operations Manual'. <sup>(139)</sup> The role of troops in repressing social unrest is quite

clear in these publications; as Kitson has stated:

"If a genuine and serious grievance arose, such as might result from a significant drop in the standard of living, all those who now dissipate their protest over a wide variety of causes might concentrate their efforts and produce a situation which was beyond the powers of the police to handle. Should this happen, the army would be required to restore the position rapidly. Fumbling at this junction might have grave consequences, even to the extent of undermining confidence in the whole system of government."(140)

Since the early 1970's, following top level debate on dealing with internal dissent, strategy shifted towards emphasis on the police to contain unrest. The original position, reflecting ALOM was stated in 1971 by the Metropolitan Police Commissioner Sir John Waldron at a Royal United Service Institute (RUSI) seminar:

"There is nothing I hate to see more than policemen wearing steel helmets and protective clothing rushing forward with sticks and tear gas ... if conditions became so bad that the marchers started to throw bombs at us, which is possible, I would have to call out the military, I would call them out for one purpose only, and that would be to kill."(141)

Contemporary police chiefs have obviously thought otherwise and the reason for this lies in the restructuring of the police and policing strategies. The development of S.P.G.s, D.S.U.s and P.S.U.s has created a third force in Britain. The lessons of Ulster have undoubtedly shown to the British State the failure of armed intervention by the military to contain mass dissent.

Prior to the 1984 miners' strike the British police had 20,000 riot helmets, 8,000 protective shields, 6,000 flame proof overalls and a fleet of carriers with wire window grilles, run-flat tyres, and flame-proof engines

and petrol tanks. They also had 5,000 baton rounds and 1,000 CS gas projectiles. (142) By October 1984 the mainland forces had a total of 20,000 plastic bullets. (143)

The Counter-Insurgency Force is now a permanent agency within the armoury of the capitalist state in mainland Britain.

### Conclusion

"All forms of enforcement ultimately depend on the power of the state. If sheriffs' officers are prevented by force or threatened violence from seizing goods or entering upon property they must call upon the police; if the police cannot tackle the job the armed forces must be brought in."(144)

Law enforcement rests not only upon a legal framework but also expresses political power. In this sense the enforcement of law expresses relations of power which carry the political authority of the state. It is the state which enforces the rule of itself; the 'rule of law' in this respect is none other than the rule of the state.

Enforcement of the law by the contemporary bourgeois state is achieved both through the ideological subordination of the masses to its hegemony (145) and through the exercise of coercion. Whichever aspect of these processes is examined, the consistent, endemic characteristic is the exercise of class power.

Stripped of their mystical appearance, laws are essentially rules, created and enforced through the machinery of the state. In that they are applied 'en masse' - i.e. that their 'jurisdiction' embraces mass society - they express the political control of social relations. When High Court Judges make rulings, or when chief constables formulate law enforcement policies, they do so not on behalf of themselves as individuals, or on behalf of the citizens they preside over, but on behalf of their social class. For the ruling class, state power is class power. The law enforcement process is the crucial

mechanism in the state by which the ruling class maintains and reproduces class domination. The bourgeois ideal which espouses 'equality before the law' is negated in the material practice of law enforcement.<sup>(146)</sup> Whilst all members of bourgeois society may ideally be subject to 'the rule of law', not all members make the rules. This is the prerogative of the ruling class:

"These actual relations are in no way created by the state power; on the contrary they are the power creating it. The individuals who rule in these conditions, besides having to constitute their power in the form of the State, have to give their will, which is determined by these definite conditions, a universal expression as the will of the State, as law - an expression whose content is always determined by the relations of this class, as the civil and criminal law demonstrates in the clearest possible way."<sup>(147)</sup>

(Marx and Engels, 1845)

In this respect, the 'universal expression' of bourgeois law, its egalitarian principle, is contradicted by the inequitable class relations from which its content is determined, and consequently 'acts as a form of domination'. This then is effectively the class basis of law enforcement processes under British capitalism. Consider the concepts of the Council of the Law Society:

"... any system of justice must reflect the ordinary principles of natural justice if it is to command the respect of the public."<sup>(148)</sup>

Law enforcement processes are determined not by metaphysical notions of 'natural justice' or the 'rule of law' but by relations of political power embodied within class society:

"In consciousness - in jurisprudence, politics etc. - relations become concepts; since they do not go beyond these relations, the concepts of the relations also become fixed concepts in their mind. The judge, for example, applies the code; he therefore regards legislation as the real driving force."(149)

(Marx and Engels, 1845)

In capitalist society, law enforcement effectively operates to reproduce the state power of the ruling class. And as a reproductive force of class relations it is in turn subjected to the pressure of changes and development in the relations of production and the productive forces.

We have analysed in some detail the material basis of developments in law enforcement processes in our study of policing on Merseyside during recent years, and we have identified the relationship between centralisation processes and the development of corporate managerial police command. The consequences of these processes have also been assessed in terms of their impact on working class communities. Law enforcement has been demonstrated to be not a 'neutral' or 'impartial' process guided by principles of 'natural justice' and legal equality but a process determined by policies reflecting the social, political and economic conditions of class society.

Under the social conditions of late capitalism in the 1970's and 1980's, law enforcement policy in mainland Britain has been increasingly orientated towards new paramilitary forms of policing on the one hand and the development of new forms of surveillance on the other. These movements have formed part of the wider process of restructuring of the capitalist state to police late capitalism.

The onset of recession from the 1970's has precipitated crisis conditions of capitalist production and reproduction. With the contraction of domestic production, the flight of capital abroad<sup>(150)</sup> and the rise of mass unemployment, the capitalist state entered the 1980's propelled by a reactionary Conservative government committed to monetarist policies designed to restructure conditions for capital accumulation through the restructuring of the state and its expenditure programme. Its objective has been to 'reduce aggregate demand, increase unemployment, and weaken unions in the monopoly and state sectors'<sup>(151)</sup> - the classic monetarist approach as outlined by the American marxist economist James O'Connor in his book The Fiscal Crisis of the State. As O'Connor argues:

"... the capitalist state must try to fulfil two basic and often mutually contradictory functions - accumulation and legitimisation."<sup>(152)</sup>

In this respect, the Thatcher Government's monetarist commitment to restructuring conditions for accumulation has, through the 1980's, increasingly weakened the legitimacy of the state in many working class communities as policies on privatisation, health service and education cuts, the running down of the steel and coal industries and the enforcement of anti-union legislation have taken their toll. The hegemony of the bourgeois democratic state has proved difficult to sustain for the Conservative Government in its attempts to unload the burden of economic crisis onto the backs of the working class, whilst at the same time trying to convince them that its measures are medicinal:

"The state must involve itself in the accumulation process but it must either mystify its policies by calling them something that they are not, or it must try to conceal them." (153)

Such strategies may be observed, for example, in the Conservative Government's 'law and order' policies. The increased expenditure on policing and expansion of para-military forces is justified, echoing the demands of A.C.P.O. as a necessary measure for the maintenance of 'law and order'. In this sense, 'law and order' becomes a euphemism for more coercion and increased expenditure on the technology of repression.

As we move through the 1980's, post-war liberal-state politics of persuasion by consent have been transformed into reactionary-state politics of persuasion by force. The capitalist state, in restructuring conditions for capital accumulation, has itself been transformed by the crisis conditions of late capitalism. "The large number of power centres within the national state, each with a measure of autonomy ..." (154) "... are either expanded or contracted on the basis of their utility in managing the contradictions of the crisis of late capitalism. For the late capitalist state ..." "... a class-conscious political directorate is needed to coordinate the activities of nominally independent government agencies." (155)

This has most clearly been the role of the Thatcher Government in the early 1980's. In strengthening repressive agencies such as the police to ensure the enforcement of monetarism, the power base of the police force has also been strengthened. Unlike the new police of nineteenth century early capitalism, the corporate police force of



late capitalism is no longer a 'tool' of the government and military, but a force of increasing autonomous political power in its own right within the late capitalist state. This position has been strengthened considerably in the 1980's by the Thatcher Government as the price paid to secure and maintain the political and ideological affinity<sup>(156)</sup> of the Association of Chief Police Officers in order to ensure effective enforcement of monetarism.

Unlike the slump of the late 1920's and early 1930's the social conditions of recession today are more generalised in terms of their impact on the working class. Areas and towns which escaped the worst excesses of the recession during the inter-war period are now experiencing all the consequences of capitalism in crisis. During the 1960's the first manifestations of the crisis occurred in inner city areas such as Liverpool and Belfast and then during the seventies permeated outwards into the conurbations. On the crest of this movement has emerged working class struggle and confrontation with the state; from Belfast in the late sixties and early seventies where Republican workers confronted the para-military 'B' Specials and troops, to the inner cities of the mainland in 1981 where black and white unemployed youth confronted para-military riot police, and out towards the coalfields in 1984 where, similarly, miners struggling for their jobs and industry have been confronted with police paramilitarism.

As this work has demonstrated, the generative form of the contemporary national riot force in mainland

Britain has to a substantial degree been evolved from the early reactive forms of policing introduced into urban working class communities which were suffering disproportionately high levels of surplus labour some years before the emergence of widespread mass unemployment.

The studies on Knowsley have shown how the Kirkby New Town estates were used as guinea-pigs for testing and developing mobile reactive policing and demonstrated the political and ideological foundations to the law enforcement policies implemented in these processes. As the recession years of the 1970's expanded the surplus labour population of Knowsley, as with many other working class communities around the country, reactive policing became the standardized form of policing in these areas. The confrontations of 1979 in the Huyton, Kirkby and Prescott districts of Knowsley significantly illustrated the degree of changes in policing that were taking place in the Borough. As Scraton (1984) has commented:

"The feeling of rejection and neglect is now deep-seated and resented in the Knowsley communities. It is a resentment compounded by high levels of unemployment and reflected in the high incidence of petty crime, gambling, fighting and property destruction. It is against this background that a more directly interventionist form of policing emerged in 1979."(p.13)

The death of Jimmy Kelly in police custody at Huyton Police Station became the focal point for a wave of protest and complaints against 'K' Division. In the same year, the death of Blair Peach in Southall became the focal point of controversy surrounding the role of the new

Special Patrol Groups in policing political demonstrations.

1979 was, in terms of the development of reactive policing, a watershed in the changing forms of policing working class communities. This study has attempted to identify and analyse these new forms and the content of these changes as expressed in the politics of law enforcement. It has been shown how reactive policing emerged as a transformation of preventive policing, and why these changes have occurred, by examining the content of the movement, the politics within these developments. Through the use of case studies, primary and secondary sources, the analysis identified the historical and contemporary changes in the structure and composition of political power within the police in class society and the political power of the police within class society.

In the space of about twenty years, mobile reactive policing in mainland Britain has been expanded and developed from the early 'ad hoc' Unit Beat Policing experiments in Kirkby during the 1960's, into a national riot force for the coercive repression of internal dissent arising from the steady deterioration of the social conditions of late capitalism in the 1980's.

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- (20) Ibid p.878
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- (26) K. Marx CAPITAL VOL. 2 (Lawrence and Wishart,  
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- (28) As well as exchange-value for capital.
- (29) K. Marx A CONTRIBUTION TO THE CRITIQUE OF  
POLITICAL ECONOMY (Progress, Moscow, 1970) p.204
- (30) A Similar point is made by A. Hunt in  
'Theory and Politics in the Identification  
of the Working Class', in A. Hunt 'op cit'  
p.88
- (31) One such obstacle was the development of  
working class organised resistance to capital.  
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- (32) K. Marx: VOL.2 'op cit' p.137
- (33) Ibid p.137
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- (35) Mandel 'op cit' p.215
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- (38) See Appendix (iii)
- (39) Mandel 'op cit' p.245
- (40) On this relationship between Capital and the  
State, see Mandel Ibid Chapter 15.

- (41) At the beginning of Capital Vol.3 (p.25) Marx summarises the general character of capital, as detailed in the three volumes. This important passage shows quite clearly Marx's definition of the immediate process of production and circulation as special instances of the movement of capital as a whole.
- (42) Not to be confused with the concept of surplus labour as used by Marx in his analysis of surplus value, although both perhaps may share a common denominator in being 'dead labour'.
- (43) See Marx CAPITAL VOL I (Lawrence and Wishart, London 1974) pp.600
- (44) Ibid p.602
- (45) D. Byrne and D. Parson 'The State and 'The Reserve Army: the Management of Class Relations in Space' in (J. Anderson et al (eds) REDUNDANT SPACES IN CITIES AND REGIONS? STUDIES IN INDUSTRIAL DECLINE AND SOCIAL CHANGE (Academic Press, London, 1983) p.130
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Also Part 2 of this study.
- (49) E. Mandel THE SECOND SLUMP (VERSO London 1980) p.16



- (50) N. Poulantzas 'The Problem of the Capitalist State' in R. Blackburn (ed) 'op cit' p.243
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- (58) Ibid p.46
- (59) G. Carchedi - ON THE ECONOMIC IDENTIFICATION OF SOCIAL CLASS (RKP London 1977) p.168
- (60) Ibid p.168
- In the '18th Brumaire of Louis Bonaparte' Marx refers to the petty bourgeoisie as a 'transition class' in which the interests of the working class and ruling class are 'simultaneously mutually blunted', ~~i.e.~~ blurred. (Selected Works p.122). In this respect the petty bourgeoisie are riven with contradictions, but this does not mean they hold 'contradictory class locations', as Wright maintains in CLASS CRISIS AND THE STATE (Verso 1983)

- (61) Just as 'wages' do not exclusively determine membership of the working class.
- (62) "The economic should not be seen as the base which determines the political superstructure, but rather the economic and the political are both forms of social relations, forms assumed by the basic relation of class conflict in capitalist society, the capital relation; forms whose separate existence springs, both logically and historically, from the nature of that relation."
- J. Holloway and S. Picciotto (eds)  
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- (63) J. Holloway and S. Picciotto 'Capital, Crisis and the State' in CAPITAL AND CLASS 2 (1977) p.77
- (64) Ibid p.90
- (65) Mandel (1978) 'op cit' p.557
- (66) Ibid p.557
- (67) E.O. Wright, CLASS, CRISIS AND THE STATE (Verso, London, 1983) p.226
- (68) Ibid p.178
- (69) On this latter point, the proliferation of government cheap labour schemes for capital is a useful example.
- (70) Wright 'op cit' p.156
- (71) With 'privatisation' we see here the pressure of capital in the transformation of reproductive capital into productive capital as the ultimate 'logic' of this process.

- (72) Wright 'op cit' p.49
- (73) Ibid p.121
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- (78) Ibid p.50
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- (80) Ibid p.512-3
- (81) S. Hall 'The Political and the Economic' in Marx's Theory of Classes' in A. Hunt (1977) 'op cit' p.57
- (82) Hall, Ibid p.57  
It would be interesting to see how many of these have gone to the wall since Thatcher came to power.
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PART I      FORMS OF POLICING THE WORKING CLASS

See:

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34. See T.A. Critchley 'op cit' p.50 f.f.
35. M. Ignatieff, 'Police and People: the birth  
of Mr. Peel's "Blue Locusts" ' in NEW SOCIETY  
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36. T. Bunyan 'op cit' p.66
37. M. Ignatieff, 'op cit' p.444. For detailed  
descriptions of London's 'street folk' of the  
19th Century see Henry Mayhew's LONDON LABOUR  
AND THE LONDON POOR (4 VOLS) (DOVER, London 1968)
38. The gambling and street-selling activities were  
particular targets for law enforcement, as Mayhew  
noted:

"... the hatred of a costermonger to a 'peeler'  
is intense and with their opinion of the police,  
all the more ignorant unite that of the govern-  
ing power. 'Can you wonder at it, sir,' said  
a costermonger to me, 'that I hate the police?  
They drive us about, we must move on, we can't  
stand here, and we can't pitch there'."

(VOL I. p.20)

Such was the battle between costermongers and police  
that for Mayhew:

"The notion of the police is so intimately  
blended with what may be called the politics  
of the costermongers that I give them together.

The politics of these people are detailed in  
a few words - they are nearly all Chartists.  
'You might say, sir,' remarked one of my  
informants, 'that they all were Chartists,  
but as its better you should rather be under  
than over the mark, say nearly all? Their  
ignorance, and their being impulsive, makes  
them a dangerous class."

(VOL. I. p.20)

39. M. Ignatieff, 'op cit' p.444

40. Ibid, p.443
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43. D. Philips, CRIME AND AUTHORITY IN VICTORIAN ENGLAND (Croom Helm, London, 1977) p.57-58
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45. Ibid, p.56-60. The new police were introduced to protect blacklegs in the 1841 colliers' strike.
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48. Ibid, p.63
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50. R.D. Storch, 'op cit' p.69
51. Ibid, p.69
52. Ibid, p.70
53. T.A. Critchley, 'op cit' p.51
54. Ibid, p.57
55. Ibid, p.84
56. R.D. Storch, 'op cit' p.73
57. Ibid, p.71
58. Ibid, p.80

59. T.A. Critchley 'op cit' p.97
60. Ibid, p.98
61. D. Philips 'op cit' p.76
62. Ibid, p.77
63. R.D. Storch, 'The Policeman as domestic missionary. Urban discipline and popular culture in Northern England, 1850-1880' in JOURNAL OF SOCIAL HISTORY. VOL. 9 Summer 1976 p.481
64. Ibid, p.483
65. Ibid, p.490
66. Ibid, p.496
67. This combined 'law and order' role of the new police as a synthesis of outmoded feudal law enforcement agencies and domestic order-maintenance roles of the military is further illustrated by the fact that the first London Metropolitan Police Force was headed by two commissioners - Richard Mayne and Sir Charles Rowan - barrister and army chief respectively. Moreover, recruits for the new police were largely comprised of ex-parish constables and ex-soldiers.
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72. T. Bunyan 'op cit' p.67
73. See Table I.
74. T. Bunyan 'op cit' p.100
75. C.R.C.J. 'op cit' p.76
76. T. Bunyan 'op cit' p.79
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78. Ibid, p.80
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94. Ibid, p.148
95. A. Garfitt, THE BOOK FOR POLICE VOL I. (Caxton, London, 1958) p.65
96. With the exception of British rule in Ireland: The notorious 'B' Specials were established as a sectarian force in 1921 and almost exclusively run by unionists at all ranks. (State Research No. 26 Oct.-Nov. 1981 p.17). It was eventually replaced by the Ulster Defence Regiment under the control of the British Army (p.17)

There is also another third force in Northern Ireland; the Royal Ulster Constabulary itself, including the R.U.C. S.P.G.

The R.U.C. S.P.G. was developed from anti-terrorist units formed in 1956 (S.R. No.26 p.21) and was given the name Special Patrol Group in 1970. Its primary tasks included road blocks and riot control, including the use of snatch squads and wedges against protestors. (S.R. No.13 Aug.-Sept. 1979 p.140)

Since its occupation of the streets of Northern Ireland in 1969, the British Army has been used as a substitute police force, and until 1974, before the reorganisation of the R.U.C., policing was under the control of the Army. (S.R. No.4 Feb.-March 1978) p.62

The R.U.C. has itself always been a fully paramilitarised police force and like its predecessor, the Royal Irish Constabulary, it is an armed, barracked, quasi-military police force (S.R.No.26 p.17)

97. Wigan Observer and Advertiser October 14th 1927.
98. POLICE VOL. 5 No.1 Sept. 1972 p.14

99. Quoted in J. Rollo, 'The Special Patrol Group' in P. Hain (et al) POLICING THE POLICE (J. Calder, London, 1980) p.169
100. POLICE VOL. 4 No.7 1972 p.9
101. A. Deane-Drummond, RIOT CONTROL (R.U.S.I. London 1975) p.78
102. State Research VOL.2 Aug.-Sept. 1979 No.13 p.132
103. Ibid, p.132
104. Ibid, o.132
105. T. Bowden, BEYOND THE LIMITS OF THE LAW (Penguin, Harmondsworth, 1978) p.228
106. State Research VOL I. No.2 Nov.1977 p.21
107. State Research No.13 'op cit' p.132
108. State Research (quoting from Scarman Enquiry into events of Red Lion Square) No.13 'op cit' p.135.
109. POLICE VOL.12 March 1980 p.14
110. C. Thomas (Cameraman) quoted in SOCIALIST WORKER 10/12/77
111. R. Clutterbuck, BRITAIN IN AGONY (Penguin, Harmondsworth 1980) p.49
112. Campaign against a Criminal Trespass Law (C.A.C.T.L.) - 'Whose Law and Order?' Pamphlet 1979. p.3
113. R. Clutterbuck, 'op cit' p.192
114. C.A.C.T.L. 'op cit' p.18
115. Ibid, p.18
116. Ibid, p.18

117. Ibid, p.8
118. A strike at E.N.V. Engineering Works, North London, in 1951 was limited to 4 by the police.  
(Daily Worker 28/11/51)
119. Financial Times 21/2/80
120. POLICE VOL.12 No.1 June 1980 p.22
121. Policing London No.8 June/July 1983 p.8
122. Metropolitan Police Commissioner, Sir Kenneth Newman, quoted in Policing London No.6 Feb./March 1983 p.2
123. Ibid, p.2
124. According to the Sunday Times Magazine (26/9/82) the N.R.C. is run jointly by the President of A.C.P.O. and the Inspector of Constabulary (p.57)
125. Guardian 19/3/84
126. Ibid 19/3/84
127. See Ackroyd et al (1977) Ch.5. Also Rollo (1980)
128. i.e., in the sense of reactive policing now being the dominant form of policing in the 1980's. During the miners' strike the regular use of baton charges, riot shields (various shapes and sizes), visored crash-helmets, protective clothing, snatch squads, 'positive policing' (driving police vehicles at demonstrators or pickets at high speeds), roadblocks, fortified transit vans, cavalry charges etc..... in many working class areas around the country, in communities, on picket lines and against demonstrators, guaranteed police capacity to provide a permanent presence of a third force in most working class areas. In the event of a class war the third force would provide the police corporate management with an 'instant response capability' in key working class areas in an overt role, as an army of occupation under their control, rather than the military. Martial law without troops is now within the ambit of A.C.P.O.

129. E. Mandel, LATE CAPITALISM (Verso, London 1978)  
p. 498
130. Daily Telegraph 23/7/62
131. Ibid, 23/7/62
132. Morning Star 17/6/74
133. Ibid, 17/6/74
134. Workers Press 1/8/74
135. T. Gilbert, ONLY ONE DIED (Kay Beauchamp,  
London, 1975) p.36
136. Workers Press 1/8/74
137. Leicester Mercury 21/4/79
138. Ibid, 21/4/79
139. Fascist terrorist attacks on black people still persist, however. Moreover, the indifferent police response to fascist and racist violence illustrates the extent to which racism is an endemic characteristic of the police system as a whole, particularly in relation to the police corporate management, whose indifference to racist attacks is reflected in their lack of law-enforcement policy on this issue. Indeed it often happens that in many cases of racist attacks, the police ignore the racist motive itself when they are called upon to investigate. See P. Gordon, WHITE LAW (Pluto, London, 1983) pp. 48-59. Also the Race and Class pamphlets, 'Police Against Black People' No.6 1979 - and A. Sivanandan, 'Race, Class and the State: the Black Experience in Britain' (No.1 1976).
140. P. Birkett, 'Riot Police Rely on Tried Techniques' in the Daily Telegraph 18/6/74.
141. R. Quinney, THE SOCIAL REALITY OF CRIME (Little Brown and Co., Boston, 1970) p.109
142. Excluding state investment in the Security Services and the Nuclear Power Programme.

143. S. Miller and M. Walker, A STATE OF SEIGE  
VOL. I. (Yorks, N.U.M. 1984) p.3
144. Ibid, p.4
145. Guardian 11/8/84
146. Guardian 11/8/84
147. M. Walker and S. Miller A STATE OF SEIGE  
VOL. 2. p.62 - taken from speech to Parliament  
by Home Secretary Leon Brittan in 1983.
148. Ibid Vol.2 p.75
149. This notion of the contemporary Police Force  
as a 'tool of government' is dangerously mis-  
leading. Lloyd, in an article entitled 'A National  
Riot Police: Britain's 'Third Force'?' (in Fine  
and Millar 1985) concludes her otherwise informa-  
tive analysis on the policing of the miners' strike  
with reference to "... the role the police play as  
tools of management and of this aggressively cap-  
italist government." (p.77) The fact is that the  
British Police Force is today more politically  
autonomous from elected government than it has  
ever been. It would be extremely debatable as to  
whether a left wing Labour Home Secretary could  
exercise any real political control over A.C.P.O.  
or the N.R.C. The confusion of many on the Left  
on this issue seems to have resulted from the  
assumption that central isation has necessarily  
produced greater central government political  
control. This confusion is also apparent in non-  
radical works on the police. As Brogden (1982)  
has argued:

"Indeed those contemporary writers on the police institution (Critchley 1979, pp 297-9; Bowden 1978, p.213) - who have documented the increased centralisation of the police institution in Britain, have made the major mistake of equating changes in organisational structure and practice with a movement towards external political direction. (p.16)

and

"... the autonomy of the police institution from local control has not been replaced by directive influence from the centre."(p.vii).

150. K. Sloan PUBLIC ORDER AND THE POLICE  
(Police Review Pub.) n.d. p.19
151. Walker and Miller Vol. 2 'op cit' p.64
152. Ibid Vol.I. p.41-42
153. Guardian 20/6/84
154. Michael Zander Guardian 23/6/84 on a leading  
article in Police Review.
155. T. Gifford and L. Christian 'New Sherriffs of  
Nottingham' Guardian 9/7/84
156. Policing London No.13 p.79
157. Guardian 10/10/84
158. The importance of local beat officers to the para-  
military police as a vital source of local intelli-  
gence must not be neglected. The SWAMP 'I'  
operation against Brixton and the strategies used  
in the anti-police riots utilised information  
collected from Brixton's Home Beat Officer.
159. Assistant Chief Constable Domaille, West Yorkshire,  
on the Hemsworth confrontations. Guardian 16/7/84.
160. Guardian 16/7/84

PART 2      POLICING KNOWSLEY

1.      A. Garfitt, THE BOOK FOR POLICE  
(Caxton, London, 1958) VOL.I. p.56
2.      Ibid, p.56
3.      Ibid, p.56
4.      J. Conlin, LOCAL AND CENTRAL GOVERNMENT  
POLICE ADMINISTRATION (Cassell, London, 1967) p.86
5.      Ibid, p.110
6.      Chief Superintendent G.T. Cairns (St.Helens  
Division) - letter to Town Clerk 26/3/69.
7.      Ibid 26/3/69
8.      Ibid 26/3/69
9.      St.Helens Reporter 24/2/68
10.     Ibid 24/3/68
11.     St.Helens Reporter 11/11/67
12.     St.Helens Reporter 24/2/68
13.     St.Helens Reporter 26/1/69
14.     Richard Sparks 'Halfway to a National Police Force'  
NEW SOCIETY 4/7/68 p.14
15.     Chief Superintendent G.T. Cairns 'op cit' 26/3/69.
16.     Ibid, p.14
17.     Ibid, p.13
18.     Ibid. p.15



19. Ibid, p.15
20. K. Russell, 'The New Police Force'  
NEW SOCIETY 13/12/73 p.659
21. We will meet Jack Watson again in PART 3 in the role of private investigator hired by the solicitors for the family of Jimmy Kelly who died in police custody in 'K' Division.
22. Quoted in St.Helens Newspaper 14/3/72
23. POLICE VOL. 2 No.7 March 1970 p.17
24. Joint Central Committee POLICE April 1971 VOL.3 No.8 p.15
25. Ibid, p.17
26. Ibid, p.17
27. See POLICE VOL.3 No.8 April 1971. A report of the Police Federation's Joint Central Committee re-affirmed the Federation's commitment to a National police force made at Central Conference in 1966:

"This conference agrees that the inevitable trend within the police service is towards regional police forces and ultimately towards a national police service ...and agreeing with this trend this conference instructs the central committee to take no action to hinder progress in this direction."

(p.17)

In the same report, the Joint Central Committee argued for "... a regional chief constable, who is autonomous and not subject to control by the Home Office, should be the directing and policy making authority for the police region." (p.18) Certainly by the end of the seventies this position had been clearly reached. The political relation between the Chief Constable and Police Authority

is analysed in Part 3.

28. J. Brown, 'The Service cannot stand still',  
POLICE VOL.2 No.9 May 1970, p.15.
29. Royal Commission on Local Government in England  
1966-69 - chaired by Lord Redcliffe-Maud VOL.I.  
p.88
30. Merseyside County Council COUNCIL SUMMONS 11/2/74
31. 'Establishment and Strength 'K' Division  
(POL 63/74) Report of the Chief Constable 6/8/74
32. Ibid, p.1
33. See Table I. The 'Establishment' is the approved  
Home Office Manpower for the area.
34. 'Establishment and Strength 'K' Division'  
'op cit' p.1
35. Ibid, p.1-2
36. Ibid, p.1
37. The Report of the Chief Constable (Designate)  
to the Police Committee of the Merseyside  
County Council - undated (1974?) p.16 See Map 6.
38. This re-mashing of figures is even more strikingly  
illustrated in the following statement taken from  
the same report:  
  
"Nevertheless, in 1972, 55,000 crimes were  
committed in the Liverpool and Bootle area  
alone and the figure almost doubles when  
the new force area of Merseyside is taken  
into account." (p.13) (my emph.)  
  
Taken literally, this means that when the new force  
was to come into operation the crime rate doubles.
39. Report of the Chief Constable (Designate)  
'op cit' p.8
40. Ibid, p.6

41. Ibid, p.8
42. Civilian Establishment 'K' and 'L' Divisions  
(POL 76/75) Report of the Chief Constable 6/5/75  
p.1
43. COUNCIL SUMMONS Book I 1975-76 (POL76/75)  
passed on 6/5/75. The decision on the recommen-  
dation was however deferred by the Personnel  
Committee, who asked the Chief Constable (C.S.Bk.I  
1975-76 13/5/75) for justification of the new  
posts, presumably got it (no written record) and  
approved the posts at the following meeting of  
the Committee (C.S. Bk. 2 1975-76 24/6/75).
44. 'Establishment and Strength 'K' Division'  
'op cit' p.1
45. Report of the Chief Constable (Designate)  
'op cit' p.19
46. See Appendix 4 on the State and Reproductive  
Capital.
47. It is interesting to compare the organisation  
of the police corporate management with Baran  
and Sweez's 'corporate paradigm' in MONOPOLY  
CAPITAL (Penguin, Harmondsworth, 1975) p.28
48. See Appendix 3, letter from County Solicitor and  
Secretary.
49. 'Merseyside Police - Reorganisation and  
Computerisation' (POL 6/79)  
Report of the Chief Constable 16/1/79
50. COUNCIL SUMMONS (POL 53/78)
51. Report of the Chief Constable(Designate)  
'op cit' p.19
52. Ibid, p.20
53. Ibid, Appendix '2'
54. Ibid, p.20
55. Ibid, p.19

56. Plans for a new building at Canning Place were already underway with the Liverpool and Bootle Police.
57. Chief Constable (Designate) 'op cit' p.19
58. Ibid, p.21
59. Chief Constable (Designate) 'op cit' p.18
60. Reorganisation and Computerisation  
(POL 16/79) p.2
61. Ibid, p.6
62. Council Minutes Book 9 1978-79 6/3/79
63. Reorganisation and Computerisation  
'op cit' (appendix)
64. Ibid, p.3
65. Ibid, p.4

For more discussion and information on police computers see:

- D. Campbell, 'Lifting the Veil on Police Computers'  
NEW SCIENTIST 19/1/79
- D. Campbell, 'Society under Surveillance' in  
P. Hain (ed) POLICING THE POLICE  
VOL. 2 (1980)
- P. Hewitt, PRIVACY: THE INFORMATION GATHERERS  
NCCL 1977.

STATE RESEARCH bulletins and

C. Pounder and S. Anderson,  
THE POLICE USE OF COMPUTERS (T.A.G.S. No.1)  
(undated)

66. Ibid, p.4
67. In a recent article by Martin Kettle (1985, p.32) it is argued that whilst ACPO has a 'largely autonomous character' and 'is a law unto itself' the author concludes that it is 'plainly wrong to say that the existence of the (NRC) means that

there is now a national police force in Britain'. Kettle gives three main reasons for this: Firstly he argues that as ACPO is an 'obstinately federal body' personal advantages afforded to individual chief constables by virtue of their having control of their own forces (big fish in small ponds) mitigates against the possible role of ACPO as a new centralising force in policing. The point is, however, that ACPO represents more than a federal body - it has a corporate character, and during the miners' strike ACPO commanded the apex of a corporate body through its centralised command and control system, the N.R.C. Even though there is no statutory basis for ACPO and the NRC, it had, during the strike political and operational control of a de facto national police force. Since the end of the strike the political structure and organisation of this new nationally centralised command and control system remains intact. There is now a nationally organised, tried and tested, third force in England and Wales ready for mobilisation at a moment's notice. Finally, Kettle's third point against a national police force draws attention to the non-involvement of the Scottish Police in the NRC operation. This fact however does not necessarily deny the existence of a national force, as Scotland has a different legal system from England and Wales.

68. E.Mandel, LATE CAPITALISM (Verso, London 1978) p.342
69. Chief Constable (Designate) 'op cit' p.12
70. N.L. Chapple, Kirkby New Town: an Objective Assessment of Social, Economic and Police Problems. VOL. I and 2. December 1975 p.215
71. Merseyside Police Youth and Community Branch. 'The Merseyside Youth and Community Programme' September 1976 p.1

72. Ibid, p.1

73. Ibid, p.2

74. 'Kirkby New Town' (POL 53/76)  
Report of the Chief Constable 27/4/76 p.5

For a more recent study of social and economic conditions in Kirkby see the C.E.S. report commissioned by Knowsley Borough Council and Merseyside County Council. The report, 'Kirkby: An Outer Estate' (CES PAPER 14, 1984), undertook a 9 month review of Kirkby's social and economic situation in 1982. The report concluded:

"The Kirkby study has shown there are many deprived outer estates in Britain, and that their levels of unemployment and social deprivation are as high, if not higher than, those in inner city areas, as having special problems of their own. These areas accommodate some 5% of the U.K. population and are concentrated in the North of England, Scotland and South Wales." (p.64)

75. 'The Policing of Kirkby New Town' (POL 19/77)  
Report of the Chief Constable 11/1/77

76. N.L. Chapple 'op cit' p.152

77. Ibid, p.152

78. Ibid, p.31

79. Ibid, p.42

80. R. Mawby, POLICING THE CITY (Saxon House, Hants, 1979 p.13)

81. Ibid, p.1

82. Reiss (1971) quoted in MAWBY p.11

83. N.L. Chapple 'op cit' p.319

84. Ibid, p.168

85. A. Stinchcombe, 'Institutions of Privacy in the Determination of Police Administrative Practice' - AMERICAN JOURNAL OF SOCIOLOGY (1963) 69.
86. R. Mawby 'op cit' p.12
87. N.L. Chapple, 'op cit' p.143
88. Ibid, p.168
89. Ibid, p.174
90. Ibid, p.175
91. Ibid, p.181
92. Ibid, p.187
93. Ibid, p.216
94. Ibid, p.25
95. Ibid, p.62  
Such properties allocated for 'problem families' included flats over shops.
96. Daily Telegraph 25/10/78
97. Ibid
98. See S. Cohen, FOLK DEVILS AND MORAL PANICS (Paladin, Herts, 1972) Also S. Hall (et al) POLICING THE CRISIS (Macmillan, London, 1978)
99. S. Hall (et al) Ibid p.157
100. Guardian 15/5/79
101. As Marx noted on the role of Bonapartism in mid-nineteenth century France:  
"During the June days all classes and parties had united in the Party of Order against the proletarian class as the Party of Anarchy,

of socialism, of communism. They have 'saved' society from 'the enemies of society'. They have given out the watchwords of the old society, 'property, family, religion, order.' "

(Marx and Engels, SELECTED WORKS  
Lawrence and Wishart, London  
1973) p.103

102. Guardian 8/7/81
103. Chief Constable A.R. Ellington, St.Helens  
Constabulary ANNUAL REPORT 1938 p.5
104. Deputy Chief Constable J. Ball, St.Helens  
Constabulary ANNUAL REPORT 1947
105. Second Report from the Committee on the state  
of the Police of the Metropolis, 1817 p.497
106. Ibid, p.497
107. B. Harrison, DRINK AND THE VICTORIANS  
(Faber and Faber, London, 1971) p.315
108. Ibid, p.70
109. Ibid, p.70  
  
See also B. Harrison and B. Trinder,  
DRINK AND SOCIETY IN AN EARLY VICTORIAN  
COUNTRY TOWN: BANBURY 1830-1860  
(Longmans, London, 1969)  
  
For a nineteenth century account of the 'link'  
between drink and crime see Rev. J.W. Horsley  
'Drink and Crime' from J.W. Horsley,  
PRISONS AND PRISONERS (1898) published in  
J.J. Tobias, NINETEENTH CENTURY CRIME:  
PREVENTION AND PUNISHMENT (David and Charles:  
Newton Abbot 1972)
110. See for example, R.D. Storch, 'op cit' (1976)
111. 'op cit' p.513
112. Ibid, p.517
113. See R.D. Storch, 'op cit' (1976)



114. St.Helens Standard 14/10/04 quoted in C.I. Price 'Law and Order in St.Helens 1890-1900' p.9 (unpublished dissertation, St.Helens Library). Ethel Wormald College, Liverpool.
115. B. Harrison, 'op cit' (1971) p.389
116. Ibid, p.376
117. Quoted in C.I. Price, 'op cit' p.13
118. B. Harrison, 'op cit' (1971) p.376
119. C.I. Price, 'op cit' p. (i)
120. A. Hartley in the Guardian 2/7/79
121. N.L. Chapple, 'op cit' p.267
122. Ibid, p.269
123. See Part I, Section 3.
124. N.L. Chapple, 'op cit' p.270
125. Ibid, p.270
126. Ibid, p.271
127. Ibid, p.270
128. Ibid, p.271
129. M. Banton, 'Is Organisation at Fault?' POLICE May 1972 p.20
130. N.L. Chapple, 'op cit' p.272
131. Ibid, p.271
132. Ibid, p.3
133. Ibid, p.319 - 320

134. 'The Policing of Kirkby New Town' (POL 19/77)  
Report of the Chief Constable 11/1/77 p.1
135. M. Banton, 'op cit' p.20
136. R. Mawby, 'op cit' p.71
137. N.L. Chapple, 'op cit' p.270
138. 'Kirkby New Town' (POL 53/76) 'op cit' p.2
139. Ibid, p.2
140. POLICE VOL.VI No.6 February 1974 p.3
141. Ibid, p.3
142. The London Metropolitan Police 'Air Support Unit', consisting of 3 sophisticatedly equipped helicopters with T.V. cameras, infra-red viewing, a loud hailer system and 'Nightsun' searchlight, passes over many dwellings in London at quite frequent intervals. The helicopters have direct communication with foot patrols. No doubt another useful 'back-up'. (See D. OLIVER 'A New Flying Squad: The Metropolitan's Air Support Unit'. POLICE May 1980.
143. 'Kirkby New Town' (POL 53/76)  
Report of the Chief Constable 27/4/76 p.2  
As the Chief Constable reported at the time:  

"The presence of this unit has made an impact in the area and they assist divisional personnel in undertaking specific tasks." (p.2)
144. N.L. Chapple, 'op cit' p.299
145. Ibid, p.300
146. Annual Report of the Chief Constable 1976 p.75
147. Sunday Times 16/2/75

148. Annual Report of the Chief Constable 1976 p.75
149. Ibid, p.77
150. Kirkby Reporter 20/11/74
151. Kirkby Reporter 4/12/74
152. Quoted from Liverpool County Court Judgment  
( 78 06214 )
153. Guardian 7/3/80
154. The disclosure was made on the instruction  
of Liverpool County Court.
155. Newsline 9/12/80
156. Newsline 10/12/80
157. Newsline 10/12/80
158. Newsline 10/12/80
159. Newsline 10/12/80
160. Newsline 10/12/80
161. Newsline 9/12/80
162. A series of articles on the 'K' Division incidents,  
including the death of Jimmy Kelly, were published  
in the New Statesman magazine over the 1979-1980  
period by Rob Rohrer. Rohrer was awarded the  
'journalist of the year' title for his investigative  
work on the 'K' Division cases of 1979.
163. New Statesman 24/8/79
164. New Statesman 30/11/79
165. Guardian 3/12/80

166. New Statesman 24/8/79
167. Ibid 24/8/79
168. Ibid 24/8/79
169. Knowsley Reporter 20/2/81
170. Newsline. BRITAIN'S STATE WITHIN THE STATE  
(New Park, London, undated) p.103
171. New Statesman 11/7/80
172. Newsline 'op cit' p.106
173. Newsline Ibid p.106
174. See P. Scraton, 'The Coroner's Tale: The Death  
of Jimmy Kelly'  
Published in P. Scraton and P. Gordon,  
CAUSES FOR CONCERN (Penguin, Harmondsworth, 1984)  
This article also provides useful summary of the  
functions of the Coroner's Court.
175. J. Lambert, 'The Police can choose'  
NEW SOCIETY 18/9/69 p.431
176. New Statesman 14/9/79
177. Ibid 14/9/79
178. Ibid 14/9/79
179. Ibid 14/9/79
180. " 'K' Division " Report of the Chief Constable  
9/9/80 POL/83/80 p.4
181. New Statesman 14/9/79
182. Guardian 22/11/79
183. Ibid 22/11/79

184. Ibid 22/11/79
185. New Statesman 14/9/79
186. Guardian 5/12/79
187. Ibid 5/12/79
188. 'Complaints Against the Police'.  
Report of the Chief Constable 23/10/79  
POL/122/79
189. Ibid 23/10/79 POL/122/79
190. Report of the Chief Constable 'op cit' 9/9/80  
POL/83/80 p.4
191. The appropriate terms of reference for a full public inquiry pertaining to a death in custody in the context of widespread allegations of police brutality are where "the Secretary of State may cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area."  
(Police Act, 1964. 32. 142.)
192. New Statesman 24/10/80
193. Ibid 24/10/80
194. Kelly Inquest Transcript Day 15 p.67
195. Ibid p.68
196. They (the Kelly family) have also been told that Mr. Gerty does not recall promising to recommend to the D.P.P. that the family be allowed to see a copy of his report on the case."  
(Guardian 18/1/80)
197. Letter to Director of Public Prosecutions from Canter and Levin (solicitors) 4/1/80.

198. B. Traynor - Statement to Liverpool Crown Court 17/11/80.
199. K. Traynor - Statement to Liverpool Crown Court 17/11/80.
200. B. Traynor 'op cit' 17/11/80
201. P.C. D.Parkinson - Statement to Liverpool Crown Court 17/11/80
202. Senior Police Surgeon Maurice Kirwan - Statement to Liverpool Crown Court 17/11/80.
203. Consultant Surgeon R. Basu - Statement to Liverpool Crown Court 17/11/80.
204. P. Scraton 'The Coroner's Tale' (paper presented to the N.D.C. Conference, May 1980. Aston University) p.7
205. An edited version of this section originally appeared as an article in the New Statesman 20/1/85 under the title, 'Jogging: A new road to crime?'

PART 3: THE POLITICS OF LAW ENFORCEMENT IN THE 1980's

1. All figures are taken from Police Committee  
Enclosures 9/9/80 to 17/3/81
2. The figures given here do not include the Traffic  
Division and Operational Support Division (O.S.D.)
3. Emergency Legal Aid Certificate July 3rd 1979.
4. 'Police and Public: Complaints against the Police'  
(Police Acts 1964 and 1976) 'H.M.S.O. Leaflet 1977'
5. Kirkby Reporter 19/12/73  
St.Helens Reporter 9/5/75
6. See Part 2., sub-section on the Task Force.  
Also Part 2., sub-section on the death of  
Kenneth Williams.
7. St.Helens Reporter 16/7/76.  
See also T. Lane and K. Roberts,  
STRIKE AT PILKINGTONS (Fontana, London, 1971)  
pp. 195-197
8. T. Lane and K. Roberts (1971) Ibid p.176
9. A. Berg. Statement 6/11/79 (Kelly Family solicitor)
10. M. Simey, Interview Notes 22/1/81
11. Report of the County Solicitor and Secretary  
on the Working Group of Merseyside Police  
Authority appointed to consider and report  
upon the first Triennial Review Report (1980)  
of the Police Complaints Board. (Police  
Committee 21/8/80) p.2
12. 'K' Division. Report of the Chief Constable.  
(POL/83/80) 9/9/80 p.1
13. "It appears that the Home Secretary, Mr. Whitelaw,  
took his decision to refuse a public inquiry into  
the case without having read the report by the  
officer, Mr. David Gerty." Guardian 14/1/80

14. W. Whitelaw letter to H. Wilson 20/11/79.
15. 'K' Division. Report of the Chief Constable  
'op cit' 7/10/80 p.4
16. See P. Scraton (1980) 'op cit' p.2
17. Police Act 1964 SEC. 49:3
18. 'Police and Public: Complaints against the Police'  
'op cit'
19. A. Berg 'op cit' 6/11/79
20. D.P.P. letter to solicitors (Canter and Levin)  
7/1/80
21. Counsel's Advice 7/1/80
22. The Observer 1/2/81
23. 'Complaints against the Police'  
Report of the Chief Constable POL/122/79  
October 1979.
24. 'State Research' Bulletin No.18 June-July 1980  
p.121
25. Police Complaints Board letter to Canter and Levin  
(solicitors) 16/5/80
26. Ibid
27. Ibid
28. Ibid
29. A broad definition of 'State Privilege' may be  
taken as follows:

"... the standing army, the police, and the  
bureaucracy - which in practice is undis-  
placeable, is privileged and stands above  
the people."

V.I. Lenin THE APRIL THESES (Progress,  
Moscow, 1976) p.36  
(Lenin's emphasis)



30. There are numerous cases of deaths through State violence which would illustrate this point. See INQUEST Reports and Newsletters for detailed accounts of deaths in police custody and prison. Also see T. Gifford 'Death on the streets of Derry' (N.C.C.L. pamphlet 1982) for accounts on deaths caused by plastic bullets in Northern Ireland.
31. D. Ransom, THE BLAIR PEACH CASE: LICENCE TO KILL Friends of Blair Peach Committee, London 1980) p.52
32. Transcript of the Kelly Inquest. Day 2. p.6
33. Ibid Day 2 p.6
34. Guardian 12/10/79
35. Police Act 1964. Part IV Sec.48 (i) p.26.  
The law of Master and Servant may be summarised as follows:
- " 1. A master may maintain, that is, abet and assist, his servant in any action at law against a stranger: whereas in general to do this is an offence against the law.
2. A master might formerly bring an action against any man for injuring his servant, or for seducing his female servant; but in such case he had to allege his own damage by the loss of his servant, and such damage had to be proved at the trial.
3. If a servant by his negligence does any damage to a stranger, the master is liable for his neglect, provided the damage be done while the servant is acting in his master's employment. "
- From J.B. Saunders, MOZELEY AND WHITELEY'S LAW DICTIONARY (Butterworths, London, 1977) p.312-3
36. Transcript of the Kelly Inquest. Day 9 p.5
37. Ibid Day 9 pp 4-5
38. Police Act 1964 Sec.32 (i) p.18

39. Law Reports Queens Bench, 1980.  
Reg. v. H.M. Coroner, Ex P. Peach (D.C.) p.218
40. Ibid, p.218
41. Ibid, p.218
42. In this section the numbers in brackets refer to the particular Day of Inquest (each day = 1 Volume) and the page number.
43. 'Police and Public: Complaints against the Police'.  
'op cit'
44. Ibid
45. Ibid
46. Police Complaints Board letter to Kelly Solicitors  
(Canter and Levin Ltd.) 16/5/80
47. All legal rulings are political but a political ruling masquerading as a legal ruling may not be 'legal'.
48. Moved and adopted on the 9th January 1980  
at the meeting of Liverpool District Nurses  
Branch of the National Union of Public  
Employees.
49. Liverpool Trades Council, 'Merseyside Trade Union  
Enquiry into Allegations of Police Violence,  
Interim Report'. 15/1/80 p.5
50. Ibid, p.6
51. 'Complaints Against the Police' Report of the  
Chief Constable (POL/122/79) 23rd October 1979.
52. ECONOMIST 13/10/79, quoted in State Research  
No.23 April-May 1981 p.118
53. M. Simey, quoted in Observer 21/10/79  
(State Research Ibid p.118)
54. Merseyside Police Committee, 'The Role and  
Responsibility of the Police Authority' 22/1/80 p.2

55. Taken from the Police Act 1964 Sec.4 (1) pp 3-4.

56. 'K' Division. Report of the Chief Constable  
(POL/83/80) 'op cit' p.4

57. Ibid pp.5-6

58. Police Act 1964 Sec.12 (3) p.7. This position is made quite clear in the Report of the Royal Commission on the Police. Thus in the Final Report (H.M.S.O. 1962) para 87, the following statement clearly illustrates this power:

"We entirely accept that it is in the public interest that a Chief Constable, in dealing with these quasi-judicial (law enforcement) matters, should be free from the conventional processes of democratic control and influence."

(quoted in State Research Bulletin No.23  
'op cit' p.113

59. Royal Commission on the Police (1962) para 102.

60. Merseyside Police Committee 'op cit' p.3

61. Royal Commission on the Police (1962 para 166.

62. M. Simey, Interview Notes 22/1/81

63. Ibid 22/1/81

64. Town Clerk at a Special Meeting of Wigan Watch Committee 18/10/26, reported in the Wigan Observer and Advertiser, 19/10/26.

T.A. Critchley argues:

"The control of the Watch Committee was absolute. In its hands lay the sole power to appoint, promote, and punish men of all ranks and it had powers of suspension and dismissal. The Watch Committee prescribed the regulations for the force and, subject to the approval of the town council, determined the rates of pay."

(T.A. Critchley, 1967, p.124)

65. Wigan Observer and Advertiser 19/10/26
66. Guardian 16/3/83
67. The Sun 19/3/81
68. M. Simey, Interview Notes, 22/1/81
69. M. Brogden: THE POLICE: AUTONOMY AND CONSENT  
(Academic Press, London, 1982) p.237)
70. Ibid, p.233
71. P. Scraton, 'Policing and Institutionalised  
Racism on Merseyside' in D. Cowell et al.  
POLICING THE RIOTS (Junction, London 1982) p.22
72. Knowsley Police Liaison Committee Agenda 8/1/81
73. Ibid 8/1/81
74. Guardian 30/1/80
75. Ibid 30/1/80 (Councillor J. King)  
At a meeting of Knowsley Borough Council Policy  
and Resources Committee (10/12/79), the Borough  
Secretary submitted a letter dated 14/11/79 from  
the Chief Constable 1368 (1):  
  
"(d)... indicating that the basic operational  
structure of policing within the area would  
remain unchanged following the implementation  
of the reorganisation proposals; that the  
existing sub divisional stations based at  
Kirkby, Huyton, Prescott and Halewood would  
continue to respond to the needs of the area;  
and that there will be no closure of  
existing police buildings."
76. T. Judge, 'Who gives the order?' POLICE VOL.9  
No.1 Sept.-Oct. 1976 p.12
77. M. Simey, 'All dressed up and nowhere to go'  
POLICE VOL.8, No.12 Aug 1976 p.14
78. M. Simey, 'Weekend World' 23/3/80 quoted in  
State Research No.23 April-May 1981 p.118

79. For more on this see:

P. Gordon: WHITELAW (Pluto, London, 1983)  
 P. Scraton: 'Policing and Institutionalised  
 Racism on Merseyside'  
 in D. Cowell, T. Jones and T. Young:  
POLICING THE RIOTS  
 (Junction, London, 1982)

M. Kettle and UPRISING! (Pan, London, 1982)  
 L. Hodges:

Lambeth Borough Council,  
 'Report of the Working Party on Community/Police  
 Relations in Lambeth (Jan. 1981)

Institute of Race Relations:  
POLICE AGAINST BLACK PEOPLE  
 (Race and Class pamphlet No.6 1979)

80. Ibid, p.160

81. New Statesman 7th August 1981

82. M. Kettle and L. Hodges 'op cit' p.173

83. Chief Constable K.Oxford, 'Public Disorder on  
 Merseyside'. July-Aug. 1981 Report to the  
 Merseyside Police Committee 18/9/81 p.18.

84. Ibid, p.13

85. Ibid, p.13

86. Ibid, p.14

87. Ibid, p.17

88. Police Act 1964 Sec. 5 (4) p.4

89. 'Annual Report of the Chief Constable' (1980)

90. Merseyside Police Authority 'Interim Report of  
 the Working Party on Police/Public Relationships'  
 20th October 1981 p.2

91. Guardian 8/7/81

92. Merseyside Police Authority 'op cit' p.1

93. Ibid, p.3
94. Ibid, p.3
95. See P. Scraton 'Policing and Institutionalised Racism on Merseyside' in D. Cowell (et al)  
POLICING THE RIOTS 'op cit'  
"Saturation policing using special task force units, has encouraged an aggressive, siege-like attitude within the police. The emergence of offensive methods as a force policy, as opposed to the use of individual officers' discretion, has elevated racism from a personal to an institutional level." (p.21)
96. Immediately following the rioting of the weekend 3rd/4th July 1981 in Liverpool 8, the Chief Constable declared:  
"This was not a race riot - simply black hooligans trying to provoke the police by indulging in criminal behaviour."  
(Liverpool Echo 6/7/81)
97. Merseyside Police Authority 'op cit' p.4
98. Merseyside County Labour Party,  
'A Policing Policy for Merseyside'  
(undated - 1981 ?) p.1
99. Ibid, p.2
100. M. Simey, 'Police Authorities and Accountability: The Merseyside Experience' in D. Cowell (et al)  
POLICING THE RIOTS 'op cit' p.57
101. M. Simey - letter to the Guardian 23/11/83
102. Merseyside Police Authority 'op cit' p.8
103. Ibid, p.9
104. M. Simey, 'Police Authorities and Accountability' 'op cit' p.54

105. These were the recommendations of the Desborough Committee which formed the basis of the Police Act 1919. This Act increased the power of regulation of police forces by the Home Office. This included regulations on mutual aid, pay, clothing and conditions of service, to which all police authorities were compelled to comply with.
106. Liverpool Echo 28/12/82
107. Ibid 28/12/82
108. T. Judge, 'Cut the police budget!' POLICE VOL XIV No. 3 November 1981 p.4
109. M. Simey, quoted from a ACPO/AMA/ACC Conference in POLICE VOL. XIV No.11 July 1982 p.21
110. Guardian 31/12/83
111. Guardian letter 23/11/82
112. M. Simey, 'Police Authorities and Accountability' 'op cit' p.57
113. Ibid, p.57
114. Guardian 27/3/85
115. Guardian 21/3/85
116. Ibid 21/3/85
117. Guardian 27/3/85
118. Ibid 27/3/83
119. Ibid 27/3/85
120. The Government's intention is to replace the six Metropolitan Councils with 'Joint Boards' comprised of district councillors and magistrates. These would be under the direct control of the Home Office for the first three years through control of expenditure and manpower budgets; and chief constables

'may well find themselves battling with the Home Office over finance rather than with their police authorities over alleged attempts at political control.' (Stephen Cook - Guardian 4/3/85)

- 121 M. Brogden 'op cit' p.197
- 122 Quoted in 'State Research Bulletin' No.13 VOL.2 Aug.-Sept, 1979 p.131
- 123 Ibid No.25 Aug.-Sept. 1981 VOL.4 p.168
- 124 Race and Class, 'Rebellion and Repression: Britain '81'. Quoted in 'State Research Bulletin' VOL.5 No.28 Feb.-March 1982, p.56.
- 125 John Alderson, 'Communal Policing' pamphlet, Devon and Cornwall Constabulary 1978 p.5
- 126 Ibid, p.5
- 127 Ibid, p.5
- 128 Paul Gilroy, 'The myth of Black Criminality' in SOCIALIST REGISTER (1982) p.49 (ed. M. Eve and D. Musson, Merlin, London, 1982)



- 129 D.G. Epstein: 'The Role of the Police in Counter-Insurgency Efforts' (The Journal of Criminal Law, Criminology and Police Science, VOL.59, No.1, 1968) p.151
- 130 M. Kettle and L. Hodges 'op cit' p.29
- 131 Ibid, p.160
- 132 Ibid, p.233
- 133 D.G. Epstein 'op cit' p.51  
 "Mr. David Hall, Chief Constable of Humberside and Mr. McLachlan's predecessor as ACPO President, said that the dispute had shown 'the work we did in assessing and deploying police resources as a result of the Toxteth riots was very, very efficient indeed."  
 The Times 6/3/85
- 134 M. Brogden 'op cit' p.35 (footnote)
- 135 Ibid, p.27
- 136 C. Ackroyd et.al. 'The Technology of Political Control'. Penguin 1977.  
 See also T. Bunyan, 'The History and Practice of the Political Police in Britain'. Quartet 1977.  
 and, 'State Research' Bulletins 1977-81.
- 137 'Strong State' concept originally developed by E. Mandel, 'Late Capitalism' N.L.B. 1975.
- 138 F. Kitson, 'Low Intensity Operations'. Faber 1971.
- 139 A.L.O.M. Vol. III. Counter-revolutionary operations.
- 140 Kitson 'op cit' p.25 quoted in Bunyan (1977) p.267
- 141 Ackroyd et.al. 'op cit' p.108. Quoted from R.U.S.I. Seminar 3/5/71 p.2
- 142 Sunday Times 30/1/83
- 143 Guardian 24/10/84

144. R.M. Jackson, ENFORCING THE LAW (Macmillan, London 1967) p.4
145. Anybody doubting whether 'hegemony' is used as a Marxist concept should read F. Engels, THE ROLE OF FORCE IN HISTORY (Lawrence and Wishart, London 1968)
146. "Hence, liberal state forms, which develop and facilitate the free play of 'market' forces on the basis of the equal treatment of free citizens, have at their heart the relations of production that constantly creates inequality and ultimately crisis, in the state form as well as in economic relations."
- (S. Picciotto, 'The Theory of the State, class struggle and the rule of law' in B. Fine (et.al.) CAPITALISM AND THE RULE OF LAW (Hutchinson, London, 1979).
147. K. Marx and F. Engels, THE GERMAN IDEOLOGY (Lawrence and Wishart, London, 1965) p.366
148. Memorandum to the Royal Commission on the penal system, quoted in R.M. Jackson 'op cit' p.22
149. Quoted in P. Philips, MARX AND ENGELS ON LAW AND LAWS (Martin Robertson, Oxford, 1980). p.37
150. For example in the East Merseyside area, B.I.P. in Prescott closed down and moved to South Africa, British Sidac (St.Helens) closed down and shipped its capital to Pakistan, and again in St.Helens the Pilkington Glass Company has made thousands of redundancies whilst at the same time expanding capital investments abroad.
151. J. O'Connor, THE FISCAL CRISIS OF THE STATE (St.Martin's Press, New York, 1973) p.48
152. Ibid, p.6
153. Ibid, p.6

154. Ibid, p.65

155. Ibid, p.67

156. Affinity: relationship; resemblance;  
attraction; (chem) tendency  
of substances to react together.

Little Oxford Dictionary (1971)

A P P E N D I X (i)

POLICING THE YOUTH OF KIRKBY

Policing the Youth of Kirkby

Over the period December 1981 to January 1982 I conducted a survey of youth opinion on policing in Kirkby. A questionnaire was administered to 251 students at Kirkby Technical College and encompassed a broad cross-section of students ranging from YOPS, apprentices and social care to business studies and full-time academic students. The original target for the sample was set at 500, to be comprised of 250 students from Kirkby College and 250 from Prescott College, with the intention of obtaining a range of opinion for the Knowsley area as a whole. However, permission to conduct the survey at Prescott College was refused. Nevertheless, although the survey was limited to Kirkby College, the data collected has been of some use in providing a general indication of the impact of policing strategies on young people in Kirkby.

Of the total number of respondents to the questionnaire, 133 out of the 251 fell into the 16-19 years old bracket for Kirkby. Of them: 81 were on YOPS courses, 29 were apprentices, 5 social care, 8 business studies and 10

students on full-time academic courses.

Of the total number of respondents (251), 20 (7.9%) lived outside the Knowsley area and a total of 28 (11.1%) respondents were aged 20 and over. .

In order to provide a relative dimension to the section 2 responses of Kirkby 16-19 year olds, these results will be compared to the results of the general total minus the Kirkby 16-19 years old category.

Section 2 of the questionnaire was comprised of 6 fixed-alternative, multiple-choice questions. Respondents were provided with a statement on the policing of their town and asked to indicate as to whether they strongly agree, agree, disagree or strongly disagree with it. A fifth category of 'undecided' was also provided. From the responses a 'shade of opinion' could be both numerically quantified and graphically illustrated. For numerical quantification, the 'strongly agree' and 'agree' totals were combined, as were the 'strongly disagree' and 'disagree' totals, to provide general percentages of agree/undecided/disagree. However, in order to more accurately convey the shades of opinion for each statement, pi-charts have been provided to illustrate the strongly agree/agree/undecided/disagree/strongly disagree continuum.

For the first statement - The police in my town show a friendly attitude to youth - the majority of

Kirkby 16-19 year olds generally disagreed by a percentage of 67.6%. When compared to the total minus Kirkby (16-19) we find the percentage in disagreement drops to 47.4%, making a difference of 20% between the Kirkby 16-19 year olds and the rest of the sample of those disagreeing with the statement. Of the Kirkby (16-19) the remainder agreed with the statement by 12% and 20.3% were undecided. With the total minus Kirkby (16-19), the remainder agreed by 17.7% and 33.8% were undecided.

When these figures are compared with the responses to the third statement of section 2 - Youth are a target for police harassment in my town - the percentage of discontent falls slightly by around 3.5% for Kirkby (16-19) and 7% with the total minus Kirkby (16-19). Of the Kirkby 16-19 year olds, 63.9% generally agreed with the statement, 19.5% were undecided and 15.7% disagreed. This compares with 42.3% in agreement, 19.4% undecided and 36.4% in disagreement for the total minus Kirkby (16-19). Again we find a percentage difference of about 20% between the Kirkby 16-19 year olds and the rest of the sample.

With the third statement of section 2 which specifically refers to youth - The police in my town show a lack of understanding of youth problems - we have the highest percentage figure of discontent compared with figures recorded for the other statements in section 2. With the Kirkby 16-19 year olds, 69.1% agreed, 18.7% were undecided and 12.0% disagreed with the statement. For the total minus Kirkby 16-19 year olds, we find

51.6% in agreement, 28.8% undecided and 17.7% in disagreement. Again, there is a difference of around 20% between the Kirkby 16-19 year olds and the rest of the sample.

In the open-ended question of section 6 - What changes (if any) would you like to see made in the police force - there were around 333 separate suggestions which I attempted to roughly categorise under four general headings - 'Youth'; 'General Public'; 'Black People'; 'Policy'. Of the 'Youth' category there were about 54 specific suggestions of which 4 respondents suggested that the police could be 'more friendly to youth', 3 suggested 'more respect to youth' and one a 'change of attitude to youth'. Whilst such quantifications are rather ambiguous given the limitations of content-analysis for quantitative assessment, these responses, when contextualised within general patterns arising from responses can provide a more qualitative picture of the thinking of young people, 'in their own words', as compared to the restrictions of closed-ended questions. The data given above from section 6 takes on more meaning when it is viewed in the context of the many other responses, where a substantial amount of recorded responses (in both sections 5 and 6) are extremely critical of police attitudes to youth. In the 'General Public' category, 20 respondents suggested the police be 'more friendly' and 5 suggested changes of attitude amongst many other similar types of suggestion.

The marked difference in percentages of those



disagreeing with the first statement (2a) between Kirkby 16-19 year olds and the overall total is a feature which characterises most of the responses to the questions in the survey. This is not to suggest that the substantial amount of youth discontent with policing in Kirkby, or that discontent is felt by a majority of Kirkby youth, is a new discovery. These facts are already known and come as no surprise to anyone who is familiar with, or has experienced social conditions in Kirkby. What the survey attempted to achieve was a rudimentary quantification of the degree of discontent with the policing strategies of Kirkby and Knowsley and the essence of the discontent, to assess the impact of the kind of law enforcement policies directed towards youth, as analysed in chapter 2 and the other sections of this chapter.

In section 5, respondents were asked 'What do you see as the main task of the police in your town?'. As with the section 6 open-ended question, answers given were many and varied although patterns did emerge. Many responses identified the policing of youth as a specific task of their local police. Some were of a general character, such as 'breaking up gangs' (3); 'controlling the youth'; 'to keep youth under control without too much harassment'; and 'community policing aimed at youth with hopefully a better attitude than they now have'. Others gave replies more in terms of what the task should be - e.g. 'try harder to understand the problems of youth' and 'try to help youth'. Other more specific responses included: 'picking on youth' (3); 'keep youth

off the streets' or 'keep us off the streets', 'a youth oppression group', 'beating up youths' and 'treat us like school pupils'. 'Vandalism' was recorded by 18 respondents.

Other statements in section 2 dealt with more general aspects of policing. In response to the statement - There is a need for more police in my town - we find a significant difference between the figures for Kirkby (16-19) and those of the rest of the sample. With Kirkby 16-19 year olds, 30% agreed, 15.7% were undecided and 53.3% disagreed with the statement. For the rest of the sample, the weight of opinion shifts; 38.1% agreed, 29.6% were undecided and 30.5% disagreed. However, even given the small majority in favour of the statement for the total minus Kirkby (16-19), few respondents in the overall total saw this as a major issue. In the section 6 open-ended question - What changes (if any) would you like to see made in the police - only 3 specifically suggested more police. However, it must be noted that 47 respondents specified 'more foot-beat patrols' and 11 specified less car patrols.

On the question of 'law and order', respondents were asked their opinions on the statement - The police do a good job in maintaining law and order in my town. This was the only statement out of the six in section 2 where a majority of respondents gave a positive response for the police in both categories. For Kirkby 16-19 year olds, 37.5% agreed, 28.5% were undecided and 33% disagreed

with the statement. It is interesting to note here the relatively high proportion of Kirkby 16-19 year olds (28.5%) who were undecided on this statement as compared with the other statements of section 2, whereas with those undecided in the total minus Kirkby (16-19) the percentage (25.4%) is one of the lowest of section 2 for that category.

'Law and Order' featured as a major reply to the open-ended question of section 5. 62 respondents gave 'law and order' as the main task of the police, 9 gave 'law', 7 replied 'order' and 15 said 'keeping the peace'. Not all these responses were the same however. For example, two business studies students wrote: "To keep law and order in the best and most comfortable way", and: "To maintain a high standard of law and order as well as being liked and not despised by some of the citizens". Another suggested: "...maintain law and order and to be a helpful friendly force". One Social Care student suggested: "Keeping the law in order".

Other variations carried more critical riders: "Keep law and order by legal means but they don't they use 'illegal' action", as one YOPS student and four apprentices similarly wrote. Another apprentice saw the main task of the police as: "To maintain law and order by legal means or police means when no one in authority is watching", and another: "... supposed to keep law and order". Violence was identified by some as part of the law and order role. One apprentice wrote: "To keep law and order, but sometimes to incite violence

against youth (who they dislike)" - and another suggested: "To maintain law and order but at the same time without any of the aggravation."

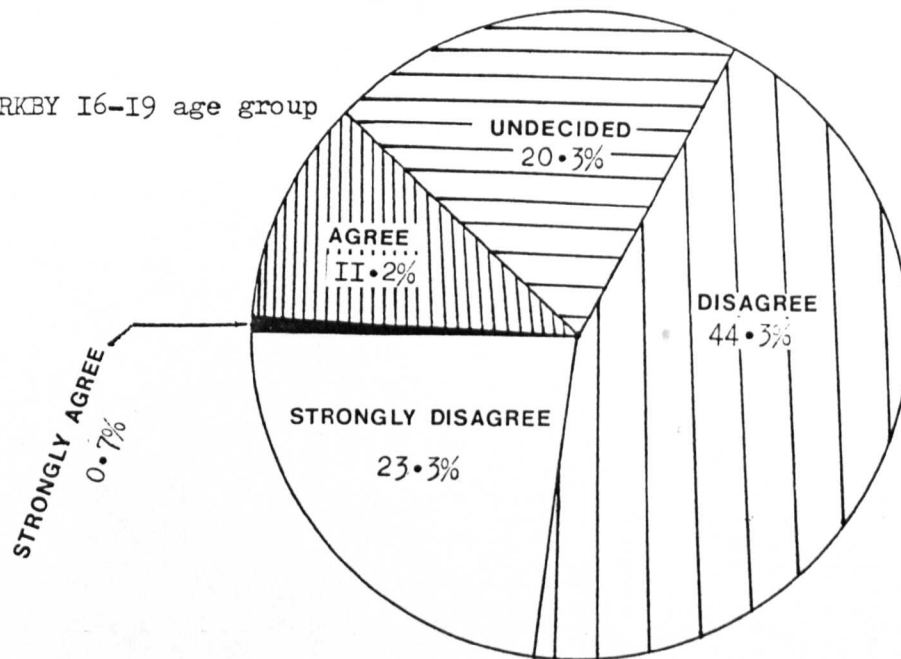
In relation to the question of police accountability and control, respondents were asked to consider the statement - The police are becoming a law unto themselves in my town. Here again we find a sharp difference between the response of Kirkby 16-19 year olds and the rest of the sample. For Kirkby (16-19), 57.8% agreed, 23.3% were undecided and 18.7% disagreed with the statement. With the total minus Kirkby (16-19), 24.5% agreed, 29.6% were undecided and 44% disagreed with the statement.

As these results indicate, the weight of opinion amongst Kirkby youth expressed substantial dissatisfaction with the type of policing they experienced. When compared with the figures for the total minus the Kirkby 16-19 category, we find a significant increase of around 20% of respondents expressing dissatisfaction with the policing in Kirkby. This hardening of opinion against the police in Kirkby undoubtedly relates to the development of the specific repressive policing policies in the 1970's directed towards the policing of Kirkby youth in the form of 'anti-vandal patrols', task forces etc. The antagonisms already existing between police and youth could only be sharpened. For Chief Superintendent Chapple, on assuming command of 'K' Division in 1975, law enforcement policy was developed from assumptions such as:

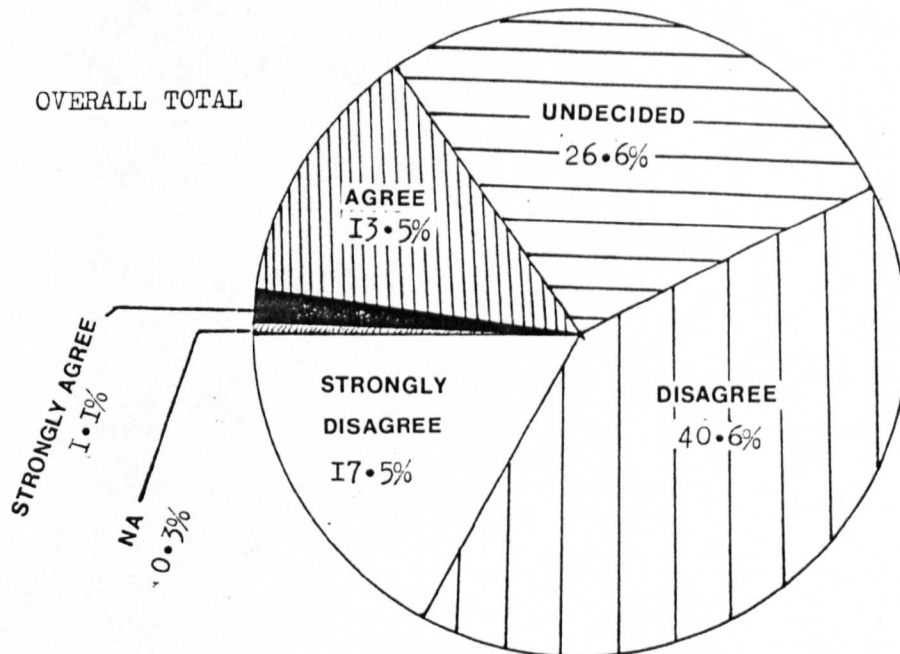
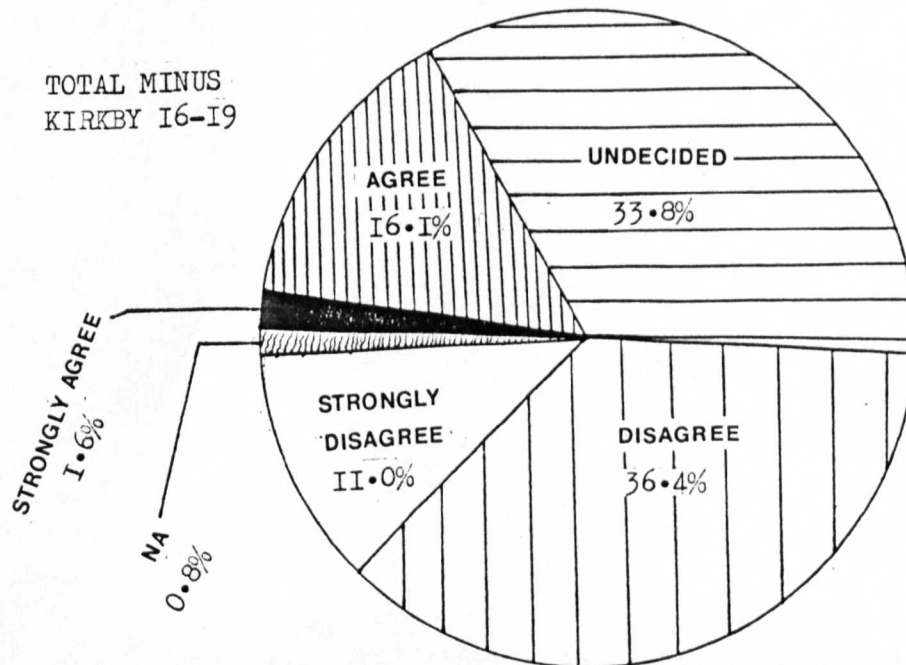
"Hooliganism is as much a part of the Kirkby way of life as the vandalism." (p.214)

## 2A) THE POLICE IN MY TOWN SHOW A FRIENDLY ATTITUDE TO YOUTH

KIRKBY I6-I9 age group

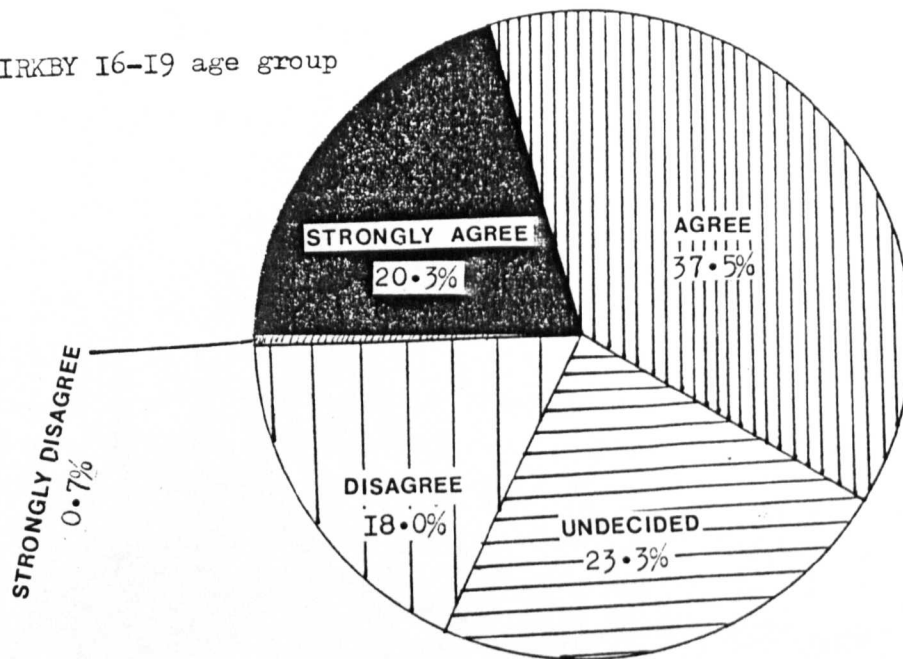


OVERALL TOTAL

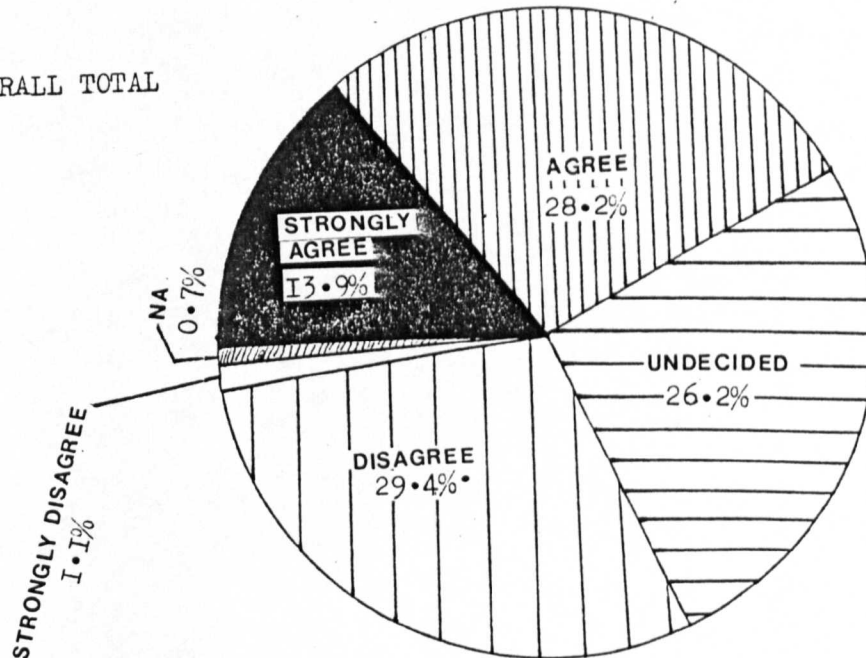
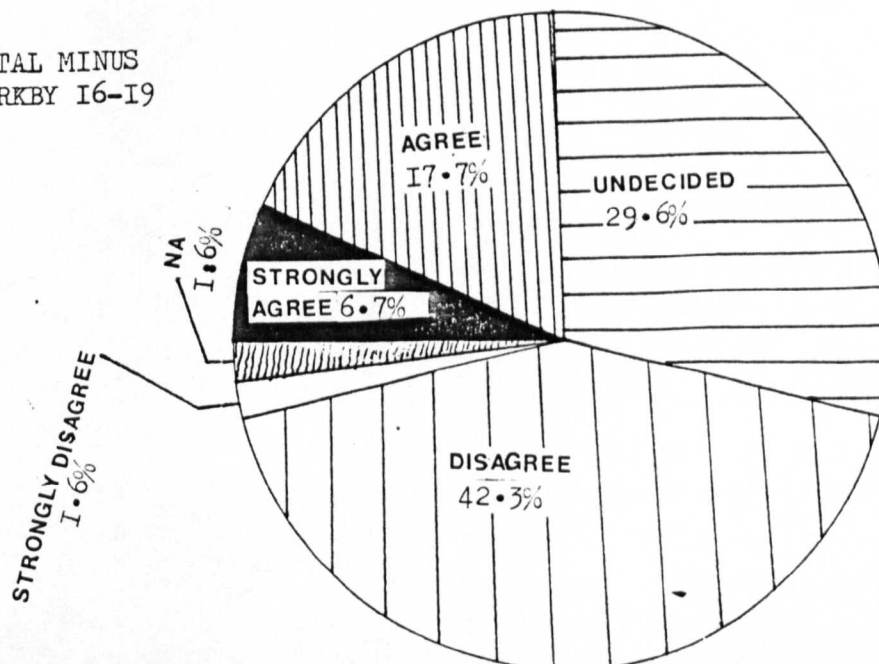
TOTAL MINUS  
KIRKBY I6-I9

## 2B) THE POLICE ARE BECOMING A LAW UNTO THEMSELVES IN MY TOWN

KIRKBY I6-I9 age group

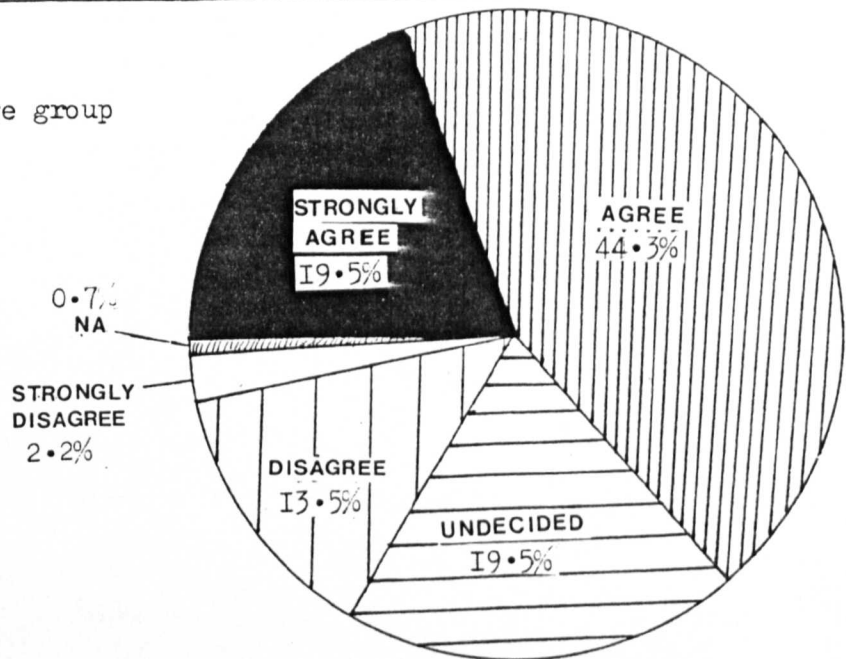


OVERALL TOTAL

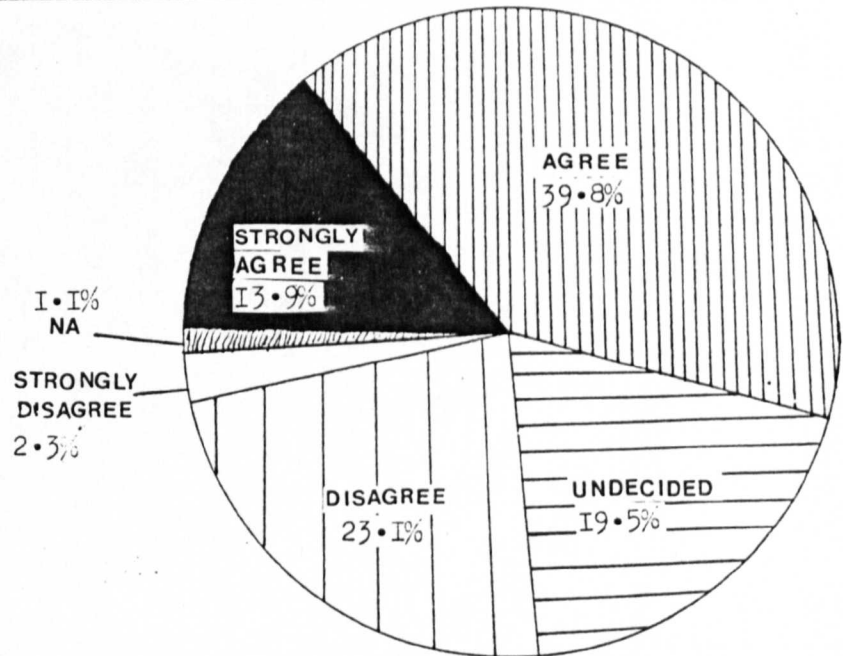
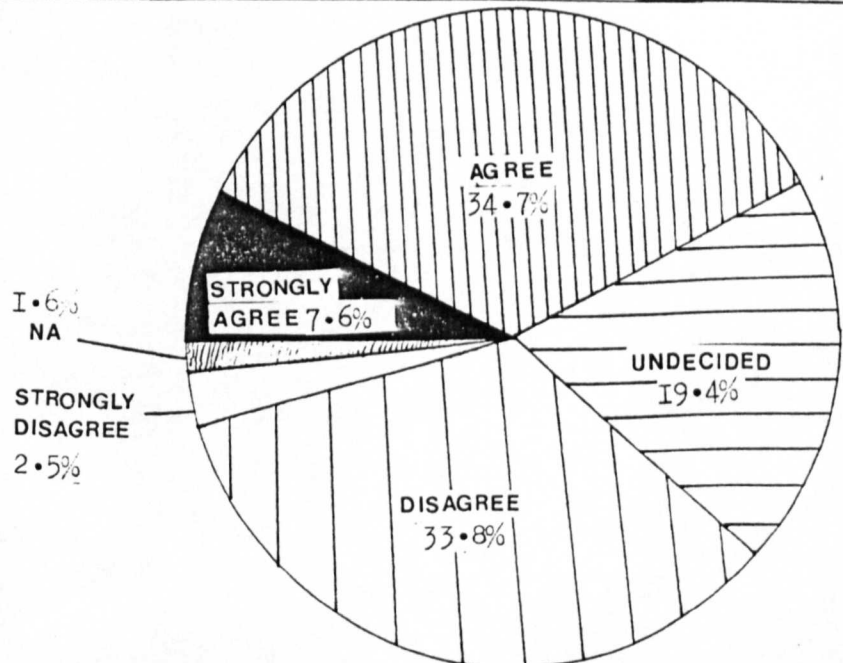
TOTAL MINUS  
KIRKBY I6-I9

## 2C) YOUTH ARE A TARGET FOR POLICE HARASSMENT IN MY TOWN

KIRKBY I6-I9 age group

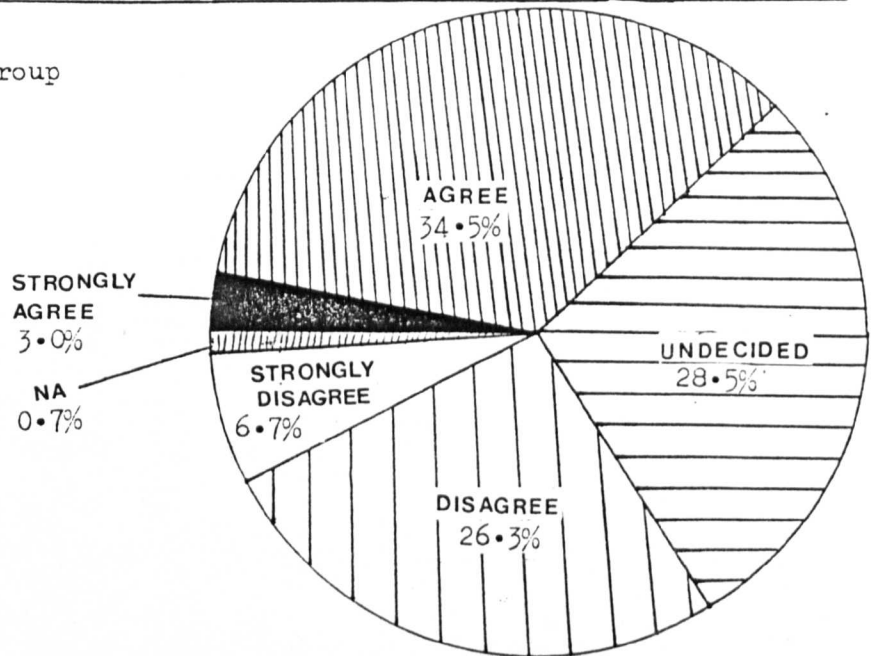


OVERALL TOTAL

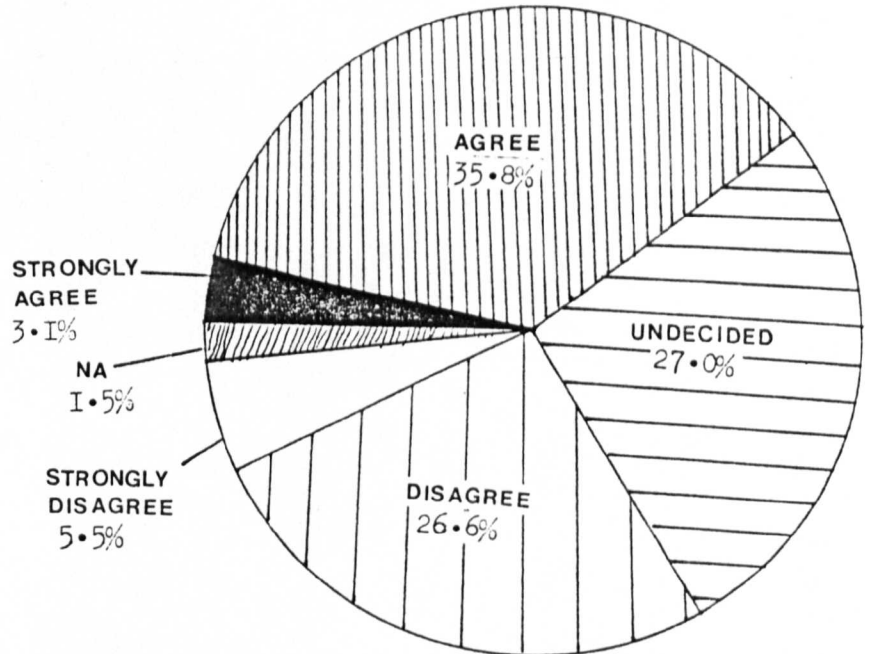
TOTAL MINUS  
KIRKBY I6-I9

2D) THE POLICE DO A GOOD JOB IN MAINTAINING LAW AND ORDER IN MY TOWN

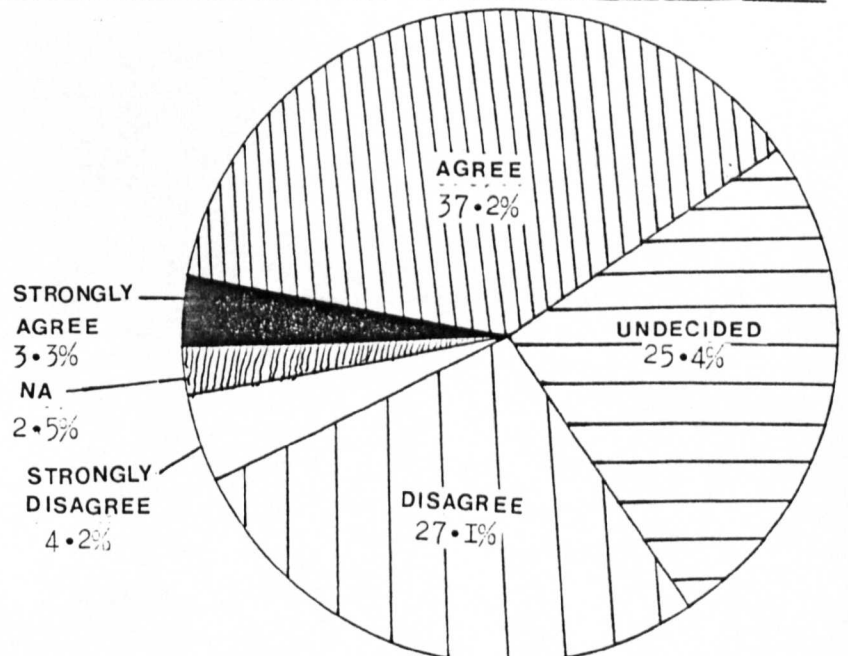
KIRKBY I6-I9 age group



OVERALL TOTAL

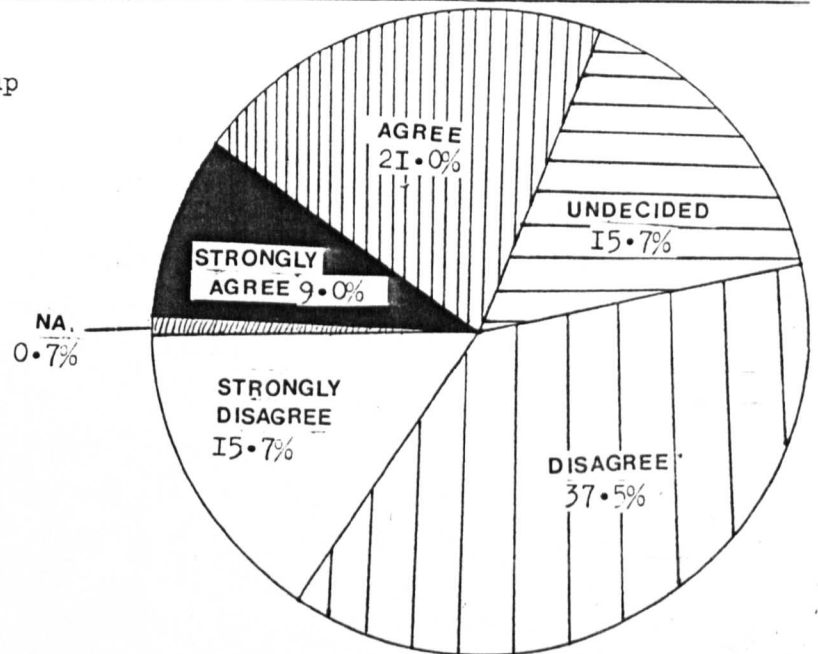


TOTAL MINUS  
KIRKBY I6-I9

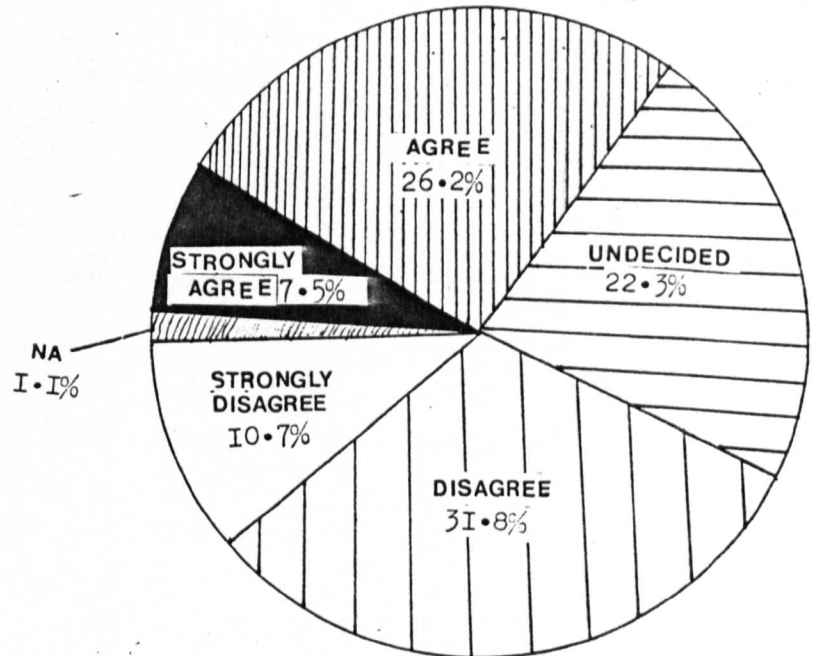




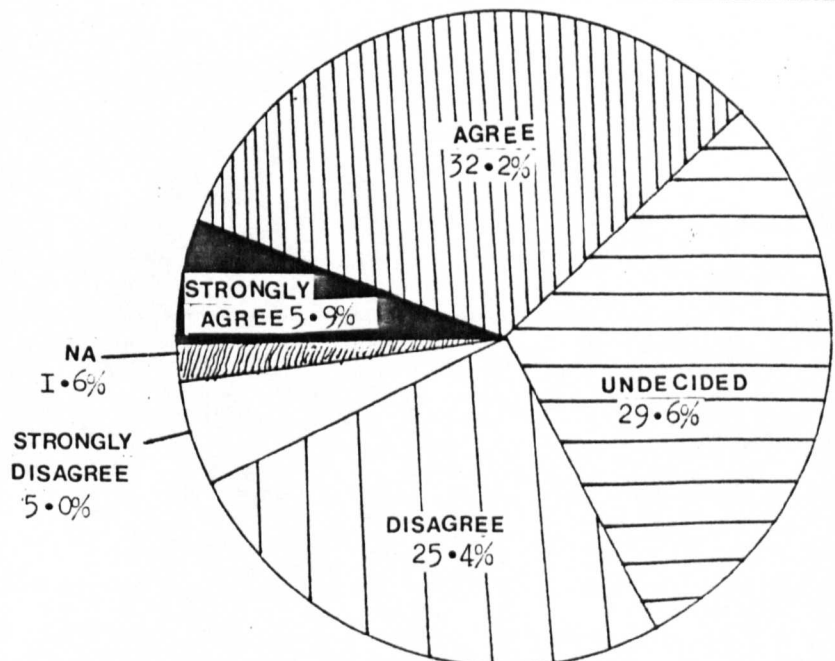
KIRKBY I6-I9 age group



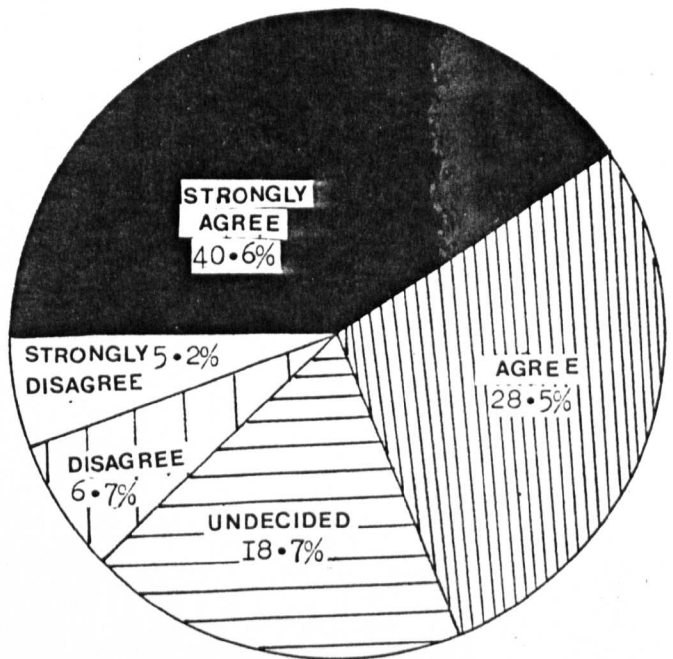
OVERALL TOTAL



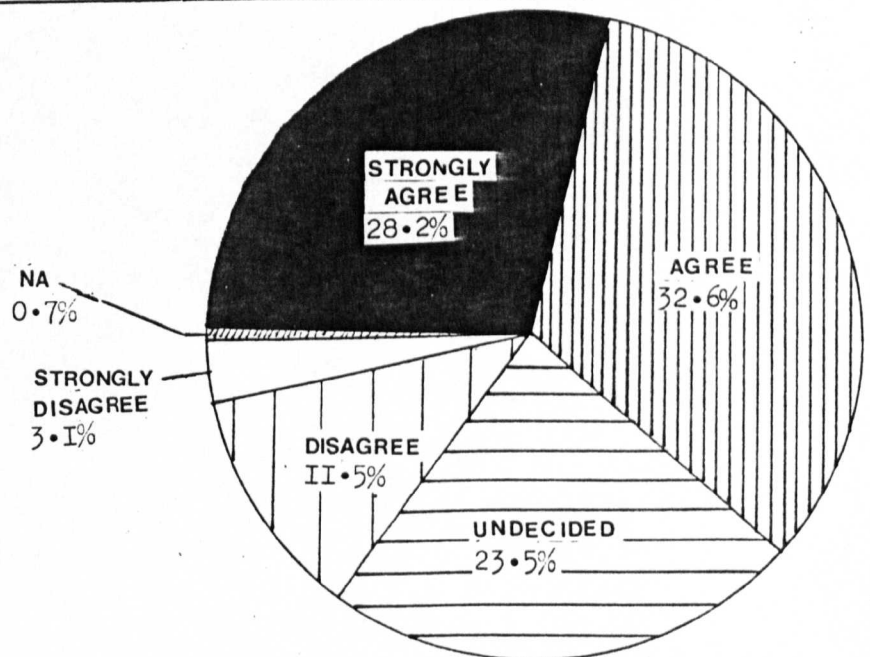
TOTAL MINUS  
KIRKBY I6-I9



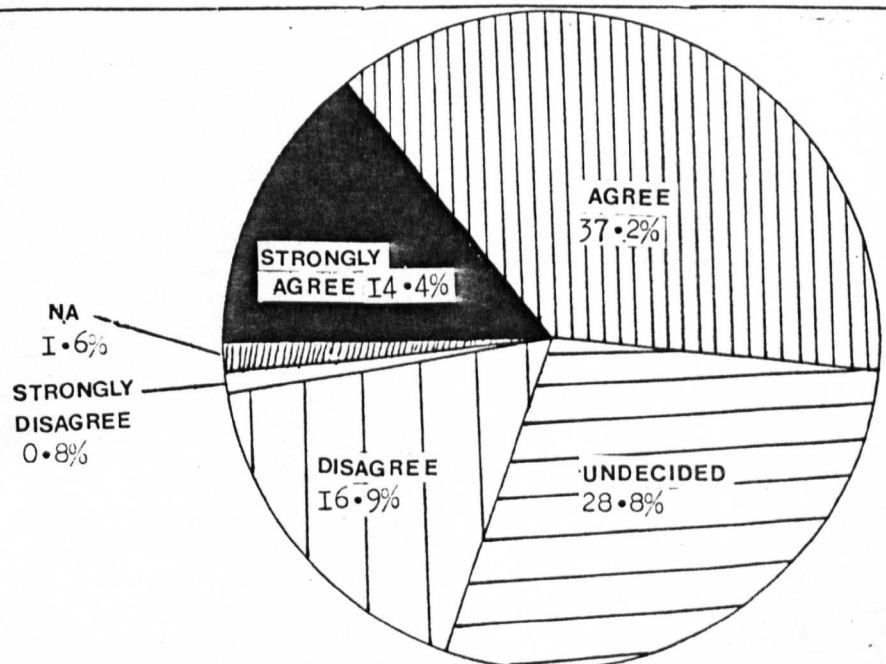
KIRKBY I6-I9 age group



OVERALL TOTAL



TOTAL MINUS  
KIRKBY I6-I9



SURVEY DETAILS

POLICE - COMMUNITY RELATIONS: OPINION RESEARCH.I) PERSONAL DETAILS.AGE:.....OCCUPATION: .....MALE ☐ (tick box)FEMALE ☐TOWN OF RESIDENCE: .....HOW LONG HAVE YOU LIVED IN THIS TOWN? .....years.ESTATE/AREA OF RESIDENCE: .....2) BELOW ARE A NUMBER OF STATEMENTS ON THE POLICE. INDICATE YOUR OPINION OF EACH STATEMENT BY TICKING THE APPROPRIATE BOX.

- |  |  |
|--|--|
| a) The police in my town show a friendly attitude to youth.              | <input type="checkbox"/> Strongly agree<br><input type="checkbox"/> Agree<br><input type="checkbox"/> Undecided<br><input type="checkbox"/> Disagree<br><input type="checkbox"/> Strongly disagree |
| b) The police are becoming a law unto themselves in my town.             | <input type="checkbox"/> Strongly agree<br><input type="checkbox"/> Agree<br><input type="checkbox"/> Undecided<br><input type="checkbox"/> Disagree<br><input type="checkbox"/> Strongly disagree |
| c) Youth are a target for police harassment in my town.                  | <input type="checkbox"/> Strongly agree<br><input type="checkbox"/> Agree<br><input type="checkbox"/> Undecided<br><input type="checkbox"/> Disagree<br><input type="checkbox"/> Strongly disagree |
| d) The police do a good job in maintaining law and order in my town.     | <input type="checkbox"/> Strongly agree<br><input type="checkbox"/> Agree<br><input type="checkbox"/> Undecided<br><input type="checkbox"/> Disagree<br><input type="checkbox"/> Strongly disagree |
| e) There is a need for more police in my town.                           | <input type="checkbox"/> Strongly agree<br><input type="checkbox"/> Agree<br><input type="checkbox"/> Undecided<br><input type="checkbox"/> Disagree<br><input type="checkbox"/> Strongly disagree |
| f) The police in my town show a lack of understanding of youth problems. | <input type="checkbox"/> Strongly agree<br><input type="checkbox"/> Agree<br><input type="checkbox"/> Undecided<br><input type="checkbox"/> Disagree<br><input type="checkbox"/> Strongly disagree |

3) PLEASE ANSWER THE FOLLOWING QUESTIONS BY ENTERING THE APPROXIMATE NUMBER IN THE BOX PROVIDED.

a) How many times have the police of your town been of direct help to you over the last three years? ☐ times

b) How many times have you been stopped by the police in your town over the last three years? ☐ times

4) PLEASE ANSWER THE FOLLOWING QUESTIONS BY TICKING THE APPROPRIATE BOX.

a) Do you feel you could approach a police officer for advice in your town? ☐ Yes  
☐ No  
☐ Don't Know

b) Have you ever been assaulted by the police of your town? ☐ Yes  
☐ No  
(e.g., pushed, pulled, hit etc..)

c) Do you think the police are racially prejudiced against black people? ☐ Always  
☐ Sometimes  
☐ Rarely  
☐ Never  
☐ Don't Know

d) How have you arrived at your opinions on the police?  
(You may tick more than one box)

☐ Personal experience

☐ Observation

☐ Newspapers or T.V.

☐ Experiences of friends

☐ Parents

☐ Other ways (please specify)

.....

5) What do you see as the main task of the police in your town?  
(Answer in one sentence only)

Answer: .....  
.....  
.....

6) What changes (if any) would you like to see made in the police force?  
(Answer in one paragraph)

Answer: .....  
.....  
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.....

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2	3	3	3	2	5	1	1	2	0	0	4	4	4	3	3	4	2	1	0	0	1	2	2	0	0	0	1	1	0
2	3	4	4	2	5	1	1	1	0	8	4	4	4	3	2	4	2	9	0	1	1	2	2	1	0	0	1	1	0
2	3	5	5	2	5	1	1	1	0	2	4	5	2	2	3	4	1	0	0	5	3	2	2	1	0	0	1	1	0
2	3	6	5	2	5	1	1	1	0	2	5	4	3	2	3	4	2	4	0	9	1	2	5	1	0	0	1	1	0
2	3	7	5	1	5	1	1	0	0	8	5	4	2	4	4	3	3	0	1	0	3	1	2	1	0	0	1	0	0
2	3	8	2	2	5	1	1	2	0	0	4	2	3	4	2	3	4	6	0	0	1	2	4	1	0	1	1	0	0
2	3	9	2	1	5	1	1	1	0	1	4	4	3	2	3	2	2	1	0	5	2	2	2	1	0	0	1	1	0
2	4	0	5	1	5	2	1	0	0	2	4	4	3	4	4	4	4	0	0	0	3	2	2	0	0	0	1	1	0
2	4	1	2	2	5	2	1	0	1	3	3	5	2	2	4	4	1	0	0	0	2	2	1	0	0	0	1	0	0
2	4	2	4	1	5	2	1	1	0	5	4	7	3	2	2	4	2	4	0	2	1	2	2	1	0	0	1	1	0
2	4	3	5	2	5	2	1	1	0	1	4	4	3	2	2	4	3	0	0	0	1	2	5	0	0	0	1	0	0
2	4	4	2	2	5	2	1	0	0	2	4	3	4	4	4	1	3	1	0	0	1	2	2	0	1	0	1	0	0
2	4	5	5	2	5	2	1	1	0	3	4	5	1	1	5	5	1	0	0	6	2	1	2	1	0	0	1	0	0
2	4	6	3	2	5	2	1	2	0	0	4	4	3	2	4	2	2	0	0	1	2	2	2	0	0	0	1	1	0
2	4	7	2	2	5	2	1	0	0	2	4	3	4	4	2	3	4	2	0	0	1	2	3	1	0	0	1	0	0
2	4	8	3	2	5	2	1	1	0	5	1	3	1	3	2	2	1	0	0	2	1	2	2	0	0	0	1	1	0
2	4	9	2	2	5	2	1	0	1	2	4	3	3	3	3	3	3	0	0	1	1	1	5	1	0	0	0	0	0
2	5	0	2	2	5	2	1	1	0	3	4	3	4	3	2	4	2	0	0	0	1	2	3	0	1	0	1	0	0
2	5	1	2	2	5	2	1	2	0	0	3	1	4	1	2	2	2	0	1	1	1	2	1	0	0	1	0	0	0

(1) Student Number 001-251  
 (2)  
 (3)

(4) Age 0 = NA  
 16 = 1  
 17 = 2  
 18 = 3  
 19 = 4  
 20+ = 5

(5) Sex 0 = NA  
 1 = Male  
 2 = Female

(6) Occupation 1 = YOPS  
 (7) 2 = Apprentice  
 3 = Social Care  
 4 = Business Studies  
 5 = Academic

Course (1) YOPS:

1 = YOPS Day Release  
 2 = YOPS (OSC) (I)  
 3 = YOPS (OSC) (II)  
 4 = TSD (Woodwork)  
 5 = Office Skills Day Release  
 6 = WIC (YOPS)  
 7 = Catering (OSC)  
 8 = OSC Day Release (I)  
 9 = OSC Day Release (II)

(2) APPRENTICE

1 = Carpenters and Joiners (I)  
 2 = Carpenters and Joiners (II)  
 3 = Fitters  
 4 = Craft Engineers Year 3  
 5 = Craft Engineers Year I  
 6 = Bricklayers  
 7 = Electricians  
 8 = Wood Machinists  
 9 = Technician Engineers

(3) SOCIAL CARE

1 = NNEB (I)  
 2 = NNEB (II)  
 3 = NNEB (III)

(4) BUSINESS STUDIES

1 = BEC (ND I)  
 2 = Advanced Secretarial



(5) ACADEMIC

- 1 = Sociology 'A' (I)  
 2 = Sociology 'A' (II)

- (8) Town of Residence: 10 = HUYTON  
 (9) 11 = KIRKBY  
 1 = KNOWSLEY 12 = HALEWOOD  
 13 = PRESCOT  
 14 = KNOWSLEY VILLAGE  
 20 = ST. HELENS  
 2 = OUTSIDE 21 = RAINHILL  
 KNOWSLEY 22 = SKELMERSDALE  
 23 = FORMBY  
 24 = MAGHULL/WEST DERBY/  
 DOVECOTE/FAZAKERLEY  
 (LIVERPOOL)  
 25 = ORMSKIRK  
 26 = LYDIATE

- (10) Estate/Area: KIRKBY AREA (11)  
 (11) 01 = Towerhill  
 02 = Northwood  
 03 = Southdene  
 04 = North Park Estate  
 05 = West Vale  
 06 = Field Lane  
 07 = Spinney Woods  
 08 = Old Hall Estate  
 09 = Mill Park

HUYTON AREA (10)

- 01 = Page Moss  
 02 = Roby  
 03 = Swanside  
 04 = Longview  
 05 = Pluckington Farm  
 06 = Brookhouse Estate  
 07 = Courthey  
 08 = St. John's Estate  
 09 = Huyton Quarry  
 10 = Paramount Estate  
 11 = Blue Bell Estate  
 12 = Mosscroft  
 13 = Cantril Farm

PRESCOT AREA (13)

- 01 = Whiston  
 02 = High Hill  
 03 = The Wood  
 04 = Eccleston Park

KNOWSLEY VILLAGE (14)HALEWOOD (12)

01 = Mackets Lane Estate

LIVERPOOL (24)

01 = Dovecote  
 02 = Mossley Hill  
 03 = West Derby  
 04 = Fazakerley  
 05 = Maghull

OTHERS

00 = Town Area as shown in (8) (9)

(12) Period of Residence in Town:

0 = N.A.  
 1 = 1-5 years  
 2 = 6-10 years  
 3 = 11-15 years  
 4 = 16-20 years  
 5 = 21-25 years

(13)  
 (14)  
 (15)  
 (16)  
 (17)  
 (18)

0 = N.A.  
 1 = Strongly agree  
 2 = Agree  
 3 = Undecided  
 4 = Disagree  
 5 = Strongly disagree

## (19) How many times have the police of your town been of direct help to you over the last three years?

1 = 1 time  
 2 = 2 times  
 3 = 3 times  
 4 = 4 times  
 5 = 5 times  
 6 = 6 times  
 7 = 7 times  
 8 = 8 times  
 9 = 9+ times

(20) How many times have you been stopped by the  
 (21) police in your town over the last three years?

1 - 99+ times

(22) Do you feel you could approach a police officer for advice in your town?

0 = NA  
1 = Yes  
2 = No  
3 = Don't know

(23) Have you ever been assaulted by the police of your town?

0 = NA  
1 = Yes  
2 = No

(24) Do you think the police are racially prejudiced against black people?

0 = NA  
1 = Always  
2 = Sometimes  
3 = Rarely  
4 = Never  
5 = Don't know

(25)- How have you arrived at your opinions on the  
(30) police?

1 = Tick      0 = No tick

- (25) Personal experience
- (26) Newspapers and T.V.
- (27) Parents
- (28) Observation
- (29) Experiences of friends
- (30) Other ways

- (1) % of Total living in Kirkby:  
(154) = 61.3%
- (2) % of Total living in Huyton:  
(46) = 18.3%
- (3) % of Total living in Prescott:  
(16) = 5.3%
- (4) % of Total living in Halewood:  
(9) = 3.5%
- (5) % of Total living in Knowsley Village:  
(5) = 1.9%
- (6) % of Total living in Knowsley Borough:  
(230) = 91.6%
- (7) % of Total living outside Knowsley:  
(20) = 7.9%
-

T O T A L S

2 (a) The police in my town show a friendly attitude to youth:

Strongly agree	:	3	)		
Agree	:	34	)	37	= 14.7% AGREE
Undecided	:	67	)		= 26.6% UNDECIDED
Disagree	:	102	)		
Strongly disagree	:	44	)	146	= 58.1% DISAGREE
N.A.	:	1	)		= 0.3% N.A.

2 (b) The police are becoming a law unto themselves in my town:

Strongly agree	:	35	)	106	= 42.2% AGREE
Agree	:	71	)		
Undecided	:	66	)		= 26.2% UNDECIDED
Disagree	:	74	)		
Strongly disagree	:	3	)	77	= 30.6% DISAGREE
N.A.	:	2	)		= 0.7% N.A.

2 (c) Youth are a target for police harassment in my town:

Strongly agree	:	35	)	135	= 53.7% AGREE
Agree	:	100	)		
Undecided	:	49	)		= 19.5% UNDECIDED
Disagree	:	58	)		
Strongly disagree	:	6	)	64	= 25.4% DISAGREE
N.A.	:	3	)		= 1.1% N.A.

2 (d) The police do a good job in maintaining law and order in my town:

Strongly agree	:	8	)	98	= 39% AGREE
Agree	:	90	)		
Undecided	:	68	)		= 27% UNDECIDED
Disagree	:	67	)		
Strongly disagree	:	14	)	81	= 32.2% DISAGREE
N.A.	:	4	)		= 1.5% N.A.

2 (e) There is a need for more police in my town:

Strongly agree	:	19	)		
Agree	:	66	)	85	= 33.8% AGREE
Undecided	:	56			= 22.3% UNDECIDED
Disagree	:	80	)		
Strongly disagree	:	27	)	107	= 42.6% DISAGREE
N.A.	:	3			= 1.1% N.A.

2 (f) The police in my town show a lack of understanding of youth problems:

Strongly agree	:	71	)		
Agree	:	82	)	153	= 60.9% AGREE
Undecided	:	59			= 23.5% UNDECIDED
Disagree	:	29	)		
Strongly disagree	:	8	)	37	= 14.7% DISAGREE
N.A.	:	2			= 0.7% N.A.

3 (a) How many times have the police of your town been of direct help to you over the last three years?

0 = 176	$\frac{75}{251}$	= 29.8%	had direct help of police in last 3 years.
1 = 37			
2 = 22			
3 = 6	$\frac{38}{251}$	= 15.1%	more than once in last 3 years.
4 = 4			
5 = 2			
6 = 2	$\frac{176}{251}$	= 70.1%	no help over last 3 years.
7 = 0			
8 = 0			
9+ = 2	<u>YOPS</u> $\frac{68}{81}$	= 83.9%	no help over last 3 years.
	$\frac{13}{81}$	= 16%	had help in last 3 years.

3 (b) How many times have you been stopped by the police in your town over the last three years?

Stopped : 135 = 53.7% 00 = 116 = 46.2%  
 Not stopped : 116 = 46.2% 01-09 = 100 = 39.8%  
 10+ = 35 = 13.9%

4 (a) Do you feel you could approach a police officer for advice in your town?

N.A. : 1 = 0.3% YOPS  
 YES : 121 = 48.2% 16 = 19.7%  
 NO : 73 = 29% 37 = 45.6%  
 DON'T KNOW : 56 = 22.3% 28 = 34.5%

4 (b) Have you ever been assaulted by the police of your town?

N.A. : 1 = 0.3% YOPS  
 YES : 79 = 31.4% YES: 45 = 55.5%  
 NO : 171 = 68.1% NO : 36 = 44.4%

4 (c) Do you think the police are racially prejudiced against black people?

ALWAYS : 25 = 9.9%  
 SOMETIMES : 140 = 55.7%  
 RARELY : 28 = 11.1%  
 NEVER : 13 = 5.1%  
 DON'T KNOW : 44 = 17.5%  
 N.A. : 1 = 0.3%

4 (d)

How have you arrived at your opinions  
on the police?

(i)

Personal experience:

141 = 56.1% (YOPS 47 = 58%)

(ii)

Those who did not have personal experience:

Newspapers or T.V. : 50 = 45.4%

(i.e. 45.4% of those who did not give  
personal experience included media as  
influence).

(iii)

Those who gave personal experience and  
included media:

31 - as % of total of those giving  
personal experience: 21.9%

(iv)

Parental influence as opinions:

Total = 30 = 11.9%

(v)

Observation:

Total = 161 = 64.1%

(vi)

Experiences of friends:

Total = 142 = 56.5%

---



5. What do you see as the main task of the police in your town?

'LAW AND ORDER'

'Law and Order'	-	62
'Law'	-	9
'Order'	-	7
'Keep the Peace'	-	15

-----

"Keep law and order by legal means but they don't they use illegal action." (YOPS) (4 app)

"To keep law and order, but sometimes to incite violence against youth (who they dislike)" (App)

"Keep law and order by legal means but they don't they use illegal action" (YOP).

"To maintain law and order but at the same time without any of the aggravation" (App)

".... supposed to keep law and order" (App)

"To maintain law and order by legal means or Police means when no one in authority is watching." (App)

"To maintain a high standard of law and order as well as being liked and not despised by some of the citizens." (Bus std)

-----

"To keep law and order in the best and most comfortable way." (Bus st)

"maintain law and order and to be a helpful friendly force." (Bus std)

"To maintain law and order and to understand the problems of the people of Kirkby not condemn them." (Acad.)

"The maintaining of law and order while keeping good community relations." (Acad.)

"Keeping the law in order." (Soc. care)

YOUTH

"Breaking up gangs" (3)

"Picking on youth" (3)

"Keep youth off the streets" (Acad.)

"Keep us off the streets" (YOP)

"A youth oppression group" (YOP)  
 "treat us like school pupils" (YOP)  
 "beat up youths" (YOP)  
 "controlling the youth" (App)  
 "try to help youth" (Soc.Care) (2)  
 "preventing youth crime"  
 "to keep the youth under control without too much harassment" (Bus. std.)  
 "try harder to understand problems of youth" (Soc.Care)  
  
 "Community policing aimed at youth with hopefully a better attitude than they have now" (Acad.)

#### COMMUNITY ROLE

"Community leadership" (YOP)  
 "To help us (but don't)" (5) (YOP)  
 "help people/public" (23)  
 "protection" (14)  
 "come out when asked" (2)  
 "show their power over the public" (App)  
 "think they own the people" (YOP)  
 "to be noticed" (YOP)  
 "boss us around"  
 "good public relations" (8)  
 "to be helpful/understanding" (Bus.std)  
 "community service" (5)  
 "respect people's problems"

#### CRIME PREVENTION

"stop crime"	-	17
Car robbers	-	5
Burglary	-	8
Vandalism	-	18
'Robbers'	-	9
Fighting/Violence	-	14
"Stop crime (but don't)" -		4
Theft	-	4
Pub fights	-	2
Attacks on old people -		2

Crime prevention	-	2
Muggers	-	1
'Stop and search'	-	
Stop law breaking		
"prevent crime lawfully"		
Protect property	-	4

#### POLICE METHODS

"looking for trouble"

"pull you up"

"trouble makers"

"beat everyone up"

"to cause as much trouble as they can"

"Riding around in cars" (Social care)

"Patrolling streets"

"Motorists"

"Walking the streets and not riding around in a car or van"

(Social care)

#### 6. What changes (if any) would you like to see made in the police force?

##### YOUTH

More friendly to youth (4)

Stop harassment of youth (14)

Understand youth more (23)

Keep youth off streets (1)

More respect for youth (3)

Equal/adults/explanations (2)

Bikers (2)

Vandalism (4)

Change attitude-youth (1)

##### GENERAL PUBLIC

More fair (2)	Treat us like humans (2)
More polite (3)	Treat us properly not like dirt/dogs (2)
More helpful (9)	Treat people better (3)
Cooperation (8)	More community involvement (17)
More consideration (1)	Change attitude (5)
Respect (2)	Better public relations (1)
Stop thinking they own the people (2)	Better/more communication (5)
More understanding (8)	Greater community relations (1)
of area (2)	More open exhibitions (1)
More friendly (20)	

BLACK PEOPLE

Stop harassing (3)  
 More black PCs (10)  
 Less prejudice (8)

POLICY

More police living in area/local (3)  
 More foot patrols (47)  
 Do away with SUS/S&S (8)  
 Do away with/less cars (11)  
 Less police violence/force (11)  
 Older PCs (4)  
 Indep. Invest. Complaints (3)  
 Greater control of police (2)  
 Keep order (1)  
 Less power/authority (2)  
 Better discipline (1)  
 Abolish uniforms (4)  
 Change uniform (2)  
 More organized (1)  
 More 'community policing' (4)  
 Less time in custody (6 hrs)  
 Lay off motorists (8)  
 More serious crime (8)  
 Abolish SPG (1)  
 Stop corruption (1)  
 Deeper investigation - police brutality (1)  
 Better training (riots) (1)  
 Less riot gear (1)  
 More riot gear (1)  
 More pub checks (1)  
 More pay - male PCs (1)  
 Abolish W.P.C.s (1)  
 Better supervision by senior officers  
 Get rid of aggressive (2)/arrogant (1)  
 policing  
 Vandalism (4)  
 More police (3)  
 Better equipment (1)  
 More pay (1)  
 More police with dogs (1)  
 More on night patrol (3)  
 More strict method with crime (2)  
 Governing body to police the police  
 More sympathy towards victims  
 More drivers  
 More on patrol  
 Better complaints system  
 Longer training period  
 Training in social problems  
 More emp. - crime prevention not convictions  
 Better training (2)  
 Not carry weapons  
 Smaller police stations

'K' DIVISION

Disband (1)

Investigation (1)

Oxford sack (1)

A P P E N D I X (ii)

C O R R E S P O N D E N C E

27th January, 1984

Mr. C.K. Wilson,  
County Solicitor and Secretary,  
PO Box 95,  
Metropolitan House,  
Old Hall Street,  
Liverpool.

Your ref. C3/45/cjs

Dear Mr. Wilson,

Thank you very much for your letter (23rd January, 1984) and the Police Authority Report on the Merseyside Disturbances which I had requested for my postgraduate research on police authorities.

When I telephoned to make the request I also asked for a copy of the report prepared for the Police Committee by P.A. Management Consultants Ltd. The Interim Report of the Consultants was approved by the Police Committee on the 25th April 1978 (ref: POL/53/78), and the final and completed Reports were accepted by the Committee in August 1978. Your assistant informed me that these Reports were quite lengthy and I can appreciate that duplication of all the material may prove time-consuming and expensive. However, if this is the case, it would be of much assistance to my work if perhaps you could provide me with just the summary and conclusions of the Reports concerned.

Finally, may I take this opportunity to express my thanks to you and your staff for the kindness and assistance I have been given in meeting my requests for Police Committee reports.

Yours sincerely,

Mark Urbanowicz

(Postgraduate student,  
Warwick University.)



# Merseyside County Council

County Solicitor and  
Secretary's Department

C K Wilson LLB(Hons)  
County Solicitor and Secretary

Mr. M. Urbanowicz,  
5 Monmouth Grove,  
Parr,  
ST. HELENS,  
Merseyside.

PO Box 95  
Metropolitan House  
Old Hall Street  
Liverpool  
L69 3EL

Telephone 051-227 5234

Extn. 2456

Telex 629018 MERCTY G

Your ref.

Our ref.

C/CJC

Date 2nd February, 1984

Dear Mr. Urbanowicz,

Thank you for your letter of 27th January, 1984.

I have written to the Chief Constable requesting him to supply you with a copy of the report or, if this is not possible, a copy of the report which summarises the recommendations of the Consultants survey.

I anticipate that you will be hearing from the Chief Constable in the near future.

Yours sincerely,

*C. K. Wilson*

(STILL WAITING)

County Solicitor and Secretary



Principal F Rex Carr BA (Hons) Dip Ed FBIM FIIM FRGS

## Prescot College of Further Education

Warrington Road Prescot Merseyside Telephone 051-426 4101/9482

GHH.EAW

15 February 1982

Mr M Urbanowicz  
5 Monmouth Grove  
Parr  
St Helens  
Merseyside

Dear Mr Urbanowicz

Thank you for your letter of 3 February 1982 and please accept my apologies on account of your previous inconvenience.

Unfortunately after having the necessary consultation with the College authorities regarding your visit, I have to report that such research as you suggest is unacceptable on educational grounds.

Although a Head of Department, I'm sure you'll understand that it is not my prerogative to authorise such visits.

Yours sincerely

G H Hambleton  
Head of Community & Social Studies Dept



17 February, 1982.

Mr. G. H. Hambleton,  
Head of Community & Social Studies Dept.,  
Prescot College of Further Education,  
Warrington Road,  
Prescot,  
Merseyside.

Dear Mr. Hambleton,

Thank you for your letter of the 15th. of February, 1982 informing me of the College authorities decision with regard to my research project.

Having determined that my research is unacceptable on educational grounds I feel that I must approach the persons of the College authorities who made this decision in order to make clear the objectives of my research and to discern the specific objections laid against the project.

I fully appreciate that it was not your prerogative to authorise this research and I understand that I must pursue the matter with higher authority. Accordingly I would be very grateful if you could inform me as to how to obtain the names and addresses of the persons on the College authorities who made the decision regarding my research project so that I may contact them personally.

Yours sincerely,

(NO REPLY)

043

A P P E N D I X (iii)

ELEMENTS OF A THEORY OF REPRODUCTIVE CAPITAL

# I. PRODUCTIVE CAPITAL

As a working definition, Capital may be generally described as 'exchange-value which seeks a further accretion of value' (Mandel, 1978, p.592). Exchange value is essentially the content of the circulation process:

"The commodity owner is able to retain his commodities in the form of exchange-value, or to retain the exchange-value as commodities, makes the exchange of commodities, in order to recover them transformed into gold,\* the specific motive of circulation."

(Marx, 1977, p.127)

However, the fetishistic character of commodities in circulation creates the illusion that money makes commodities commensurable (Marx, 1977, p.68) whereas in reality, commodities become commensurable as exchange-values - exchange-value as the product of 'abstract general labour' (power) (Marx, 1977, p.29) or 'materialised labour-time' (Marx, 1977, p.68).

Commodities express exchange-values and use-values in circulation, which, under conditions of extended reproduction (Marx, CAPITAL VOL.I. p.549) facilitates capital accumulation - the accretion of value <sup>xx</sup> (Mandel, 1978, p.597).

As part of the process of extended reproduction, capital accumulation therefore constitutes the conditions of production, as the conditions of production are likewise those of reproduction. (Marx, CAPITAL VOL.I. p.531).

As capitalist production has historically developed, the accumulation of capital by the state has incorporated the state as an integral part of extended reproduction, i.e. the reproduction of the conditions of production.

Exchange-value - as the social machinery of capital - facilitates the accumulation of capital, as an extended reproductive process through circulation, i.e. the circuit of productive capital. Social production is simultaneously social reproduction:

"Whatever the form of the process of production in a society, it must be a continuous process, must continue to go periodically through the same phases. A society can no more cease to produce than it can cease to consume. When viewed, therefore, as a connected whole, and as flowing on with incessant renewal, every social process of production is, at the same time, a process of reproduction."

(Marx, CAPITAL VOL.I. p.531)

Reproduction is not therefore attached to the end of production, but is an ongoing process simultaneous with production, i.e. continual reproduction of the process of production.

Likewise, the circulation process is an integral part of the production process:

"Capital's movements in circuits is therefore the unity of circulation and production; it includes both."

(Marx, CAPITAL VOL.2. p.60).

And similarly the production process is part of circulation:

"The capital-relation during the process of production arises only because it is inherent in the act of circulation, in the different fundamental economic conditions in which buyer and seller confront each other, in their class relation."

(Marx, CAPITAL VOL.2. p.32)

So when we consider Productive Capital - its circuit,  
i.e. its dynamic:

"The circuit of productive capital has the general formula  $P \dots C - M - C \dots P$ . It signifies the periodical renewal of the functioning of productive capital, hence its reproduction, or its process of production as a process of reproduction aiming at the self-expansion of value."

## 2. EXTENDED REPRODUCTION AND THE CAPITALIST STATE

The process of extended reproduction of capitalist production forms a reciprocal relation to the maintenance of its essential conditions. It is part of the wider social development of class society - a similar social process of extension to that described by Marx in the separation of labour from the means of production:

".... in its further development capitalist production, once it is established, not only reproduces this separation but extends its scope further and further until it becomes the prevailing social condition."

(Marx, CAPITAL VOL. 2. p.33)

As an increasingly significant component of extended reproduction under late capitalism, the state has emerged as an extensive political extension of the reproductive

forces of capitalist production. Moreover, this extension can only be on the basis of reproduction, as the state's accumulation of capital is not determined by the immediate dynamics of capitalist market forces (i.e. rates of revenue, taxation, etc. are relatively constant) in the circuit of productive capital. Capital accumulated by the state can therefore only be reproductive.

If we pursue this point further, in terms of commodity consumption we find that with the circuit of productive capital such commodity consumption takes the form of productive consumption:

".... a definite portion of each year's product belongs to the domain of production. Destined for productive consumption from the very first, this portion exists, for the most part, in the shape of articles totally unfitted for individual consumption."

(Marx, CAPITAL VOL. I. p.531)

In relation to the circuit of reproductive capital this aspect of commodity consumption therefore takes the form of reproductive consumption. The reproductive consumption of commodities by the state is primarily determined not by considerations of profit, market forces etc. (i.e. by participation in a market economy where market considerations are paramount) but by political considerations (state policy etc.) where the maintenance and reproduction of specific forms of bourgeois political power are paramount considerations.

This does not imply that the requirements of the

market economy are not a primary political consideration, but that the relation to the market economy - the circuit of productive capital - assumes a reproductive rather than productive character - it is an aspect of extended reproduction. Within the sphere of the state, reproductive capital reproduces the political conditions essential to the continuity of the capital accumulation process.

### 3. PRODUCTIVE AND REPRODUCTIVE CAPITAL

Under conditions of modern capitalism extended reproduction is increasingly characterised by the extended reproductive capital of the state and under late capitalism these processes are significantly influenced by centralisation.

The dynamic of centralisation under modern capitalism is the stage of development of the material productive forces. Centralisation expresses both the accumulation of capital and an extension of political power. It is effectively the outcome of a qualitative shift in the relations of production brought about by rapid movements in the development of the productive forces. 'Centralisation completes the work of accumulation' by extending 'the scale of operations'. (Marx, CAPITAL VOL.I. p.588).

This process lies at the centre of the development of the corporate management of capitalist production and in the growth of corporate management of the reproductive forces of the capitalist state. As previously analysed,

capitalist production is simultaneously capitalist reproduction. The accumulation of capital by the state, whilst drawing (extending) from the immediate processes of capitalist production - a political extension of the reproductive processes of capitalist production - maintains and extends the capitalist state's reproductive forces, reproducing its form, and in the process reproducing the conditions for capital accumulation. The dialectic between the productive forces of capitalist production and the reproductive forces of the capitalist state is therefore reciprocal.

With the centralisation and expansion of the police force, for example, that which is defined as the means of production and reproduction in the sphere of capitalist production (productive forces) becomes in the employ of the state, the means of reproduction of the conditions of capitalist production and reproduction (reproductive forces).

For example, the use-value and exchange-value of commodities such as computers, vehicles, communication systems etc. express productive, unproductive and reproductive consumption, depending on the relative positions of buyers and sellers. Therefore the productive consumption of these commodities expresses both productive and reproductive forces in capitalist production and in state operations assumes the form of reproductive forces. Capital, as defined by Marx, is a social relation. In the sphere of commodity production it is a relation of production and reproduction; in the sphere of the state productive consumption within the circuit of productive



capital, becomes a political extension of the reproductive processes and assumes the form of state reproductive forces.

It is clear then, that state investment in and accumulation of capital for its operations are not 'unproductive' but reproductive.

Given the dialectical reciprocity between the productive forces of capitalism and the reproductive forces of the capitalist state, the relationship of the capitalist corporate management to the productive forces is politically reciprocated in the relationship of, for example, the police corporate management to the reproductive forces it controls. Whilst then, capitalist production is both a productive and a reproductive process, the capitalist state has taken the form of a political extension of the reproductive process. The political economy of the state under late capitalism does not produce surplus-value, but merely reproduces the conditions necessary for the production of surplus value.

For example, the production of computers, vehicles, communication systems etc. becomes productive capital when consumed by the capitalist class and employed for the creation and extraction of surplus value within production processes, and when consumed by, for example, the police force, these commodities become transformed through exchange into reproductive capital employed to reproduce conditions for the productive capital relation and hence conditions for production and extraction of surplus value.

If we consider the general formula for the circuit of productive capital as:

$$P \dots C' - M' - C \begin{matrix} \swarrow L \\ \searrow MP \end{matrix} \dots P (P') \quad (\text{Marx, CAPITAL VOL.2 p.65 and p.88})$$

P : Production (P' : extended reproduction of circuit of productive capital) ~~xxx~~

M : Money-Capital (M' increased by surplus value)

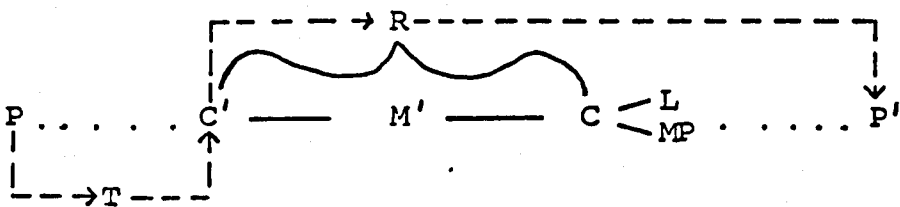
C : Commodities (C' - increased by surplus value)

L : Labour Power

MP : Means of Production

then the general circuit of productive and reproductive capital, including the extended reproductive capital of the state would appear thus:

#### Circuit of Productive and Reproductive Capital



T : State Revenue

R : State Reproductive Capital

~~~~~: reciprocal relation of state expenditure on commodities to circulation whereby state productive consumption of commodities transforms them into reproductive capital and thereby employed for the reproduction of the

conditions of production, i.e. the state component of extended reproduction.

#### 4. STATE REPRODUCTIVE CAPITAL

The essential purpose of state capital is reproductive; even though, for example, the government <sup>may</sup> employ productive wage-labour in its mines (Marx, CAPITAL VOL.2 p.100), the state does not become a capitalist, even if the state industry achieves a surplus. This is because there is no direct relation of surplus-value appropriation, by private capital. Its role is reproductive. Forms of capitalist state and its reproductive capital are determined by the movements and character of the extended processes of reproduction; the demands of the system of private capital accumulation. In this respect the constant and variable reproductive capital of the state upholds, and is determined by, the movement of relations of production and the productive forces; they are interlinked and mutually dependent.

However, consider for a moment a basic tenet of current monetarist dogma, as often parroted by Prime Minister Margaret Thatcher: We are often told, 'the private sector creates wealth, the public sector consumes it' as a justification for privatisation and massive cutbacks in expenditure on health, educational and social services. They are asserted to be a drain on private capital requiring extensive curtailment. The nationalised industries are being pruned into forms where their surplus product would produce surplus value if entered into circulation as

exchange-value in the hands of private capital.

Whilst the real purpose of these moves is to finance the coercive reproductive forces of the state to support the restructuring of private capital accumulation, contain growing permanent surplus population but justified on the grounds that the public sector consumes wealth, the monetarists fail or are unwilling to recognise these services and industries as essential reproductive forces. Their policy is the continued extension of the coercive reproductive forces at the expense of the socially useful reproductive forces - a process, incidentally, initiated by the Labour Government of the mid-1970s. Expenditure on military hardware alone is more immediately financially beneficial to private capital than kidney machines and school milk.

However, late capitalism faces an unsolvable paradox. Whichever aspects of its reproductive forces the state expands or contracts - and increasingly one or other aspect must be expanded - the contradictory tendency of reproductive capital is to ultimately accelerate the decline of productive capital and germinate the seeds of its potential transformation into socialist forms of production with the abolition of anarchic and archaic market forces and the repressive states upon which they grow increasingly dependent.

Footnotes

ж i.e. a universal equivalent (Marx, 1977.  
p.46-47)

We might also note at this point that it is the state which produces money as the universal equivalent. The police and the judiciary act as the guarantors of the universal equivalent and its inequitable system of distribution.

жж As opposed to simple reproduction which results in the consumption of surplus value. (Mandel, 1978. p.597)

жжж See Marx, CAPITAL VOL.2 pp. 81-82.

## APPENDIX IV

### METHODOLOGY

#### APPENDIX IV : METHODOLOGY

Research for this thesis began in the Winter of 1978. Prior to the early eighties and the inner city riots there were<sup>only a</sup> few publications dealing with the politics of policing. Of particular importance were The Technology of Political Control (1977) by Ackroyd et.al., Bowden's Beyond the Limits of The Law (1978) and Bunyan's The History and Practice of the Political Police in Britain (1977).

These works proved vital in identifying the key changes in policing strategy and law enforcement policy which were taking place in the 1970's. In a similar vein, the State Research Bulletin provided a detailed chronology of these changes in the late seventies and early eighties, many of which effectively by-passed the parliamentary system.

Since the early eighties there has been a rapid expansion in publications dealing with issues generated by recent changes in law and policing. Taken together these works have formed a grim catalogue of case-studies on state violence and the abuse of human rights, and have engendered wider debates on police powers, accountability and the 'rule of law'.

There are now also a number of published studies concerned with policing on Merseyside. McLure's Spike Island (1980) provides a descriptive, almost anecdotal account of policing in inner-city Liverpool, whilst Brogden's The Police: Autonomy and Consent (1982) provides a detailed study of the historical development of the

Liverpool police and its political autonomy from the local state. Brogden attempts to situate the development of the Liverpool police within class relations and identify the processes by which the police express class interests.

Apart from Rohner's New Statesman articles on the 'K' Division incidents, there is also Scraton's articles in Causes for Concern (Scraton and Gordon 1984), which examine these incidents within the context of the existing framework of police accountability, and in particular that of chief constables. There is also a detailed study and informed discussion of the Jimmy Kelly inquest, which highlights the inadequacy of the Coroner's Court as a means of testing complaints against the police and investigation of deaths in custody.

Scraton also draws on the recent history of policing on Merseyside in his latest publication, The State Of The Police (1985). This work also embraces the Toxteth riots and the policing of the miners' strike and provides a useful overview of the emergence of a 'politically autonomous' and 'centralised form of policing' in the 1979-85 period. 1984-5 also saw the appearance of two studies on policing on Merseyside by Richard Kinsey and Barry Loveday, funded by Merseyside County Council. Kinsey's Merseyside Crime Study (1984-5) took the form of a series of surveys on police and public attitudes about crime and 'law and order'. Conducted in terms of consumer demand and presented almost as a piece of market research, the findings show some interesting results on the perception of crime, but reveal practically nothing about the nature and role of policing



in the working class communities of inner Liverpool, Kirkby and St. Helens.

① Loveday's report (The Role and Effectiveness of The Merseyside Police Committee, 1985) provides some useful material on policing on Merseyside. The direct recruitment of Army personnel based in West Germany in the 1970's to alleviate manpower deficiencies in divisions such as Knowsley (p.10) is of particular interest. Also of interest are the extracts from Loveday's interview with Assistant Chief Constable David Gerty (the external investigator of the complaints against the police in 'K' Division in 1979).

This thesis, whilst based upon much of the recent history of policing on Merseyside, as covered in the above publications, attempts to provide more of an in-depth political analysis of the changing forms of policing in Britain during the recent period and their specific development in working class communities on Merseyside. It has not been the intention to provide a definitive political economy of policing under late capitalism, but rather to make a contribution in this direction. Despite the now considerable number of radical publications concerned with contemporary policing, very few have attempted to systematically develop a political economy of policing under modern capitalism.

The central elements of this study have been concerned with theoretical analysis of the changing forms of policing in Britain, and research into the content of these changes in terms of both their internal dynamics and their relation

to wider social, economic and political processes.

The material used in this study has been drawn from a number of primary and secondary sources. In Part I, the research of police historians and contemporary journalism were used to analyse and illustrate changing forms of policing in Britain. These sources provided the basis for examining the development of law enforcement policies in the policing of working class communities. Part I also draws upon existing research and theoretical works on issues concerned with the state, policing and law enforcement. The material on the policing of public order situations is drawn from newspaper reports, books and journals. A detailed case-study based on observation of the policing of an anti-fascist demonstration is also provided, along with photographs from numerous public order situations observed during the early 1980's.

These themes are further developed and analysed in Part 2. This section provides a detailed analysis of the recent history and politics of policing in the Merseyside area, with a particular focus upon the Knowsley district. The material for this section was drawn from journals, newspapers and published police documents and reports of Lancashire Constabulary and Merseyside Police. These included the Annual and Occasional Reports of Chief Constables along with Council and Police Committee minutes, reports and Working Group papers. The Chapple Report on the policing of Kirkby was examined in detail and used to illustrate the relation between ideology and law enforcement policy, and the process by which policing in the

borough area was transformed. This is followed by case-studies on reactive policing in the Knowsley area.

Material on the 'K' Division incidents was drawn from newspapers and from Rob Rohrer's New Statesman article.

Two later cases are based on court proceedings.

Part 3 begins with a detailed case-study on the death in police custody of Jimmy Kelly. This work included attending the inquest proceedings and examining the transcript of the sixteen-day inquiry. Other sources of material for this section were drawn from Police Committee reports, law reports, statutory legislation, the files of the Jimmy Kelly Action Committee and relevant existing literature on the police. The Police Committee study is also supplemented with notes from an interview with Police Committee Chairperson Margaret Simey in 1981.

As an appendix to the study is a survey of youth opinion on policing in Kirkby, conducted in the winter of 1981-2. The questionnaire, administered to 251 students at Kirkby Technical College, was comprised of both fixed-alternative and open-ended questions. The sample of students who completed the questionnaire included students on YOPS, apprenticeship, social care, business and academic courses. The survey provided a general indication of the impact of reactive policing strategies on Kirkby youth.

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